

MARSHALL COUNTY SCHOOL SYSTEM

Administrative Procedures

1.5R1

**Effective Date:** July 27, 2015

**Revised Date:** December 12, 2017, \*denotes change

**Section:** Board Operations

**Subject:** Criminal History Record Information (CHRI)

**Related Policy:** 5.118 Personnel Records

**I. DEFINITIONS**

*Criminal History Record Information (CHRI)* is defined as information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments or other formal criminal charges, and any disposition arising therefrom including acquittal, sentencing, correctional supervision and release.

**II. PROCEDURES**

Non-criminal justice agencies who access the Tennessee Bureau of Investigation (TBI) Criminal History Record Information (CHRI) database must follow strict statutes, rules and regulations regarding appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records. The Marshall County School System will abide by the following guidelines set forth by the TBI in the *Tennessee Guide for Non-Criminal Justice Agencies, July 2015*.

**Use of CHRI**

Use of Tennessee and FBI criminal history records obtained by the non-criminal justice agency are solely for the purpose requested and cannot be disseminated outside the receiving agency. O.C.G.A. § 35-3-38 establishes criminal penalties for requesting, obtaining, communicating or attempting to communicate criminal history record information under false pretenses or in a negligent manner.

**\*Notice to Applicant**

An applicant will be given, and acknowledge receipt of, a copy of the Privacy Rights which the Marshall County School System shall abide by. A copy of the CHRI results may be given to an applicant, upon request, for review and possible challenge. If the applicant decides to challenge the accuracy of the results, he/she must notify the Marshall County School System of this decision within five (5) business days. It is the applicant's responsibility to send a challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Alternately the applicant may send the challenge directly to the TBI. The applicant has thirty (30) days from the day the Marshall County School System was informed of the intent to challenge, to submit verification of satisfactory background check.

**Dissemination of CHRI**

\*Results from fingerprint searches should not be given directly to the applicant to forward, but should be mailed or given to the requesting agency only. Agencies are required to maintain a system of records that establish appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records per Title 5, U.S.C., § 552a (the Privacy Act).

**Record Storage**

All criminal history record information received from TBI and/or the FBI for background check purposes shall be stored in a secure location. Areas in which the information is processed and handled shall be restricted to authorized personnel in the performance of their duties.

**Disposal of CHRI**

When CHRI is no longer needed, it shall be destroyed by burning, shredding or other method rendering the information unreadable. Record destruction must be conducted under the supervision of authorized recipients.

**Physical Security**

Recipients of CHRI **must** provide a secure area, out of the view of the public and unauthorized personnel, for the handling and retention of CHRI. Agencies shall institute reasonable procedures to protect any central repository of criminal history record information from any unauthorized access, theft, sabotage, fire, wind, flood, power failure or other natural or manmade disasters. In addition, the agency **must** meet all standards provided by the FBI CJIS Security Policy.

**Personnel Security**

All persons directly associated with the accessing, maintaining, processing, dissemination or destruction of CHRI must sign an awareness statement and shall indicate that they have been specially trained on the subject. The training shall provide those with access to criminal history record information with a working knowledge of federal and state regulations and laws governing the security and processing of criminal history information. Employers of those with access to CHRI are responsible for ensuring that their personnel receive such training within 60 days of employment or job assignment and every three years, to include Security and Integrity training for criminal justice and all other authorized employees. Employers of individuals who have access to CHRI are also responsible for keeping a list of all employees who have access, can process, disseminate and/or destroy CHRI.

**Penalties for Misuse of CHRI**

Title 28, U.S.C., § 534, Pub. L. 92-544 and Title 28, CFR, 20.33(b), provide that the exchange of records and information is subject to CANCELLATION if dissemination is made outside the receiving departments or related agencies. Furthermore, depending upon the nature of the offense and the identity of the offender, federal or state crimes may be charged for the willful, unauthorized disclosure of CHRI.

**III. ATTACHMENTS**

Non-Criminal Justice Agency Personnel Security Awareness Form  
Non-Criminal Justice Applicant's Privacy Rights

Signature on File

*Jacob Sorrells, Director of Schools*