

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?	NCJA Guide Section 1.2 NCJA 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"/> Has the agency had personnel turnover affecting the list? <input type="checkbox"/> Have qualified new hires been added to the list? <input type="checkbox"/> When was the last time the list was updated?	NCJA Guide Section 4.1.2 NCJA 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?	NCJA Guide Section 4.1.1 NCJA 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 Has your authorizing ordinance been repealed and replaced?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?	NCJA Guide Section 1.3 NCJA 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?	NCJA Guide Section 1.1, 1.2 NCJA Guide Section 5.2.1 #4 NCJA 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?	NCJA Guide Section 2.5 #17 NCJA 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? Where/how is it documented? For charter schools and public school districts: <input type="checkbox"/> Is the agency following Identity-Verified Prints procedures? <input type="checkbox"/> Is photo ID checked and documented?	NCJA Guide Section 2.1 NCJA Guide Section 5.2.2 #2 <i>Compact Council Identity Verification Program Guide</i> <u>Charter schools/ public school districts</u> NCJA Guide Section 2.3 NCJA Guide Appendix G & H

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? Where/how is it documented? For charter schools and public school districts: <input type="checkbox"/> Is the agency following Identity-Verified Prints procedures? <input type="checkbox"/> What is the chain-of-custody for the card? <input type="checkbox"/> Is the agency using a chain-of-custody form or tracking log?	NCJA Guide Section 2.2 NCJA Guide Section 5.2.2 #3 <i>Compact Council Identity Verification Program Guide</i> <u>Charter schools/ public school districts</u> NCJA Guide Section 2.3 NCJA Guide Appendix G & H

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

<i>What is the auditor looking for?</i>	<i>Where can I find out more about this?</i>
<input type="checkbox"/> What is the agency's process to advise all applicants of the ability to review and challenge the criminal history record? <input type="checkbox"/> Does the agency advise applicants to contact DPS for an Arizona record review and the FBI for a federal record review?	NCJA Guide Section 3.3 NCJA Guide Section 5.2.2 #4

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

<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"/> Are all applicants notified in writing prior to fingerprinting that their fingerprints will be used to check the criminal history records of the FBI? <input type="checkbox"/> Is the notification provided in a format that applicants can read and take with them if they desire? <input type="checkbox"/> Does the agency notify the applicant how to obtain a copy of the FBI criminal history record? <input type="checkbox"/> 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? <input type="checkbox"/> 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? <input type="checkbox"/> Does the agency have documented processes for what constitutes a reasonable period of time? <input type="checkbox"/> Does the agency have documented procedures for any appeals process available to the applicant? 	<p>NCJA Guide Section 2.4 <i>Guidelines for Required FBI Notifications of Applicant Privacy Rights</i></p> <p>NCJA Guide Section 5.2.2 #5</p>

PRIVACY & SECURITY

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

<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"/> 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? <input type="checkbox"/> Does the policy/procedure state that personnel may only use the CJI/CHRI for the authorized purpose? 	<p>NCJA Guide Section 3.1 NCJA Guide Section 5.2.3 #1 <i>Noncriminal Justice Compliance Worksheet - "Use" section</i></p>

Does the agency have written processes regarding access of CJI/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 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? 	<p>NCJA Guide Section 4.1.2 NCJA Guide Section 3 NCJA Guide Section 5.2.3 <i>Noncriminal Justice Compliance Worksheet - "Access" section</i></p>

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Does the agency have written processes regarding the proper handling of CJI/CHRI from receiving point through destruction?

What is the auditor looking for?

Where can I find out more about this?

- Where and by whom is CJI/CHRI received into the agency?
 - Who opens/reviews the information?
 - Where does it go from the receiving point?
 - Where does primary review/handling take place?

- Does the agency have policies regarding communication about CJI/CHRI?
 - Are there guidelines for communication among Authorized Personnel?
 - Are there guidelines for communication with the applicant?

- Does the agency secondarily disseminate information?
 - What is the authority for the dissemination?
 - Does the agency have policies regarding the circumstances under which the CJI/CHRI is disseminated?
 - Does the agency keep a dissemination log with the required information?
 - Does the agency have a method for verifying the authenticity of the recipient of the CJI/CHRI?

- Are personnel aware that CJI/CHRI is not public record?
 - Is CJI/CHRI stored separately from public records or is there a process for separation of CJI/CHRI from public records before release?

- Where/how does the agency store CHRI prior to its destruction?
 - Is the storage secure? (locked room, locked cabinet, secure perimeter?)
 - Does the agency have rules regarding not leaving CJI/CHRI unattended when it is not physically secured?

- How long does the agency retain CJI/CHRI?
 - What is the purpose/authorization for the retention?
 - Does the agency have policies/procedures regarding retention rules?
 - Does the agency destroy CJI/CHRI when its purpose has been fulfilled and regulatory guidelines have been satisfied?

- Does the agency destroy CJI/CHRI by an appropriate method (shredding or burning)?
 - Is the destruction witnessed or carried out by Authorized Personnel?

NCJA Guide Section 3
 NCJA Guide Section 5.2.3
Noncriminal Justice Compliance Worksheet - "Handling" section

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Does the agency have policies/procedures governing electronic storage of CJI/CHRI?

What is the auditor looking for?

Where can I find out more about this?

- Does the agency monitor and restrict access to databases containing CJI/CHRI?
 - Is the database access restricted to Authorized Personnel?
 - Is the database password-protected?
 - Is individual log-in required to access CHRI?
 - Who owns/maintains the database system?
 - If the database is owned/maintained by outside contractors, has an outsourcing agreement been executed?
 - Are the IT personnel employees or contractors?
 - If contractors, has an outsourcing agreement been executed?

- Does the agency have physical/technical safeguards to protect the access and integrity of CJI/CHRI?
 - 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 CJI/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?

- Does the agency have reporting and response processes for information security incidents?

NCJA Guide Section 3.6
Noncriminal Justice Compliance Worksheet - "Handling" section
 FBI CJIS Security Policy Part 5

TBD

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

What is the auditor looking for?

Where can I find out more about this?

- Does the disciplinary policy specifically mention CJI/CHRI or confidential information?
 - If the disciplinary policy is generic for employee misconduct, can the agency explain how it applies to misuse of CHRI?
- Does the agency have steps to take following an incident of misuse?

NCJA Guide Section 3.1
 NCJA Guide Section 5.2.3 #4
Noncriminal Justice Compliance Worksheet - "Misuse" section

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TRAINING

Has the agency trained Authorized Personnel in basic Security & Awareness?

What is the auditor looking for?

Where can I find out more about this?

- Have Authorized Personnel received CJIS Online training within six months of placement on the Authorized Personnel List?
- Do Authorized Personnel receive updated CJIS Online training every two years?

NCJA Guide Section 4.2.1
 NCJA Guide Section 5.2.4
Noncriminal Justice Compliance Worksheet - "Required Training for the Agency's Authorized Personnel" section

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

What is the auditor looking for?

Where can I find out more about this?

- Does the agency train Authorized Personnel on internal agency privacy & security procedures every two years?
- Does the agency's privacy & security training cover all relevant agency processes?
- Does the agency have a training outline indicating what the internal training consists of?

NCJA Guide Section 4.2.1
 NCJA Guide Section 5.2.4
Noncriminal Justice Compliance Worksheet - "Required Training for the Agency's Authorized Personnel" section

Is the agency's training documentation current?

What is the auditor looking for?

Where can I find out more about this?

- Has the agency documented Authorized Personnel training?
 - 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?

NCJA Guide Section 4.2 (4.2.1, 4.2.2)
 NCJA Guide Section 5.2.4
Noncriminal Justice Compliance Worksheet - "Required Training for the Agency's Authorized Personnel" section, "Acknowledgements Statements" section

Have all Authorized Personnel signed an Acknowledgement Statement?

What is the auditor looking for?

Where can I find out more about this?

- Is there an Acknowledgement Statement on file at the agency for each of the Authorized Personnel?
- 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?

NCJA Guide Section 4.2.2
 NCJA Guide Section 5.2.4
 NCJA Guide Section 3.7
Noncriminal Justice Compliance Worksheet - "Acknowledgements Statements" section