

SEARCH Resolution 07-49

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

August 27, 2007

Privacy Protections and Criminal History Background Checks

WHEREAS, SEARCH, The National Consortium for Justice Information and Statistics, a membership organization of State Governor appointees, has long recognized and advocated privacy protections and civil liberties in the conduct of criminal justice information sharing;

WHEREAS, the nation's system for exchanging criminal history records, the Interstate Identification Index, is a partnership between the States and the Federal Bureau of Investigation (FBI) with 92 percent of the system's records having been provided by State and local law enforcement agencies through State criminal record repositories;

WHEREAS, every State criminal records repository has established and makes available the opportunity to review an individual's criminal record to enable identification and correction of inaccuracies;

WHEREAS, *The Attorney General's Report on Criminal History Background Checks*, released to the Congress in June 2006, sets forth several privacy protection recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that:

"Privacy protections must be a fundamental consideration in the promulgation of any expansion of criminal history background checks.

- To the extent that such privacy protections rely on the provision of services by State criminal record repositories, they should be formulated with the advice of the States but not require a reengineering of state-level processing.
- Authorized employers and consumer reporting agencies seeking access to criminal history information for background screening purposes should be required to enroll under the program and enter into agreements concerning conditions and requirements, including auditing procedures and adequate sanctions for misuse of information, for access to FBI-maintained criminal history record information, including:

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- Certifying that the information obtained from the FBI and State record repositories will be used solely for purposes of determining an individual's suitability for employment or placement in a position of trust, or another authorized purpose.
- Provisions for adequate identification and verification of employers, consumer reporting agencies and individuals subject to the background check are essential to any set of privacy protections."