

IDAHO LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM

STATEMENT OF CRIMINAL HISTORY RECORD INFORMATION (CHRI) CONFIDENTIALITY

AUTHORIZED USAGE AND DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION OBTAINED THROUGH THE NCIC INTERSTATE IDENTIFICATION INDEX (III) FILES.

Idaho Code 67-3009 states " It is unlawful for a person for personal gain to request, obtain, or attempt to obtain criminal history records under false pretenses or willfully communicate or attempt to communicate criminal history records to any agency or person not authorized to receive the information by law. "

The United State Department of Justice and federal courts have interpreted Title 28, United States Code (U.S.C.) Section 534 (the basic and fundamental authorization for the collection, acquisition, exchange and dissemination of CHRI) to restrict access to FBI CHRI to criminal justice agencies for criminal justice purposes and to federal agencies authorized to receive it pursuant to a federal statute or executive order.

Title 28 code of federal regulations, Part 20, 3(g), defines "criminal justice agency" as "(1) courts: [or] (2) a government agency or any subunit thereof which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of it's annual budget to the administration of criminal justice." Section 20.3(b) defines the term "administration of criminal justice" by stating that "the administration of criminal justice means performance of any of the following activities; detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders."

The privacy Act of 1974 and the Computer and Abuse Act of 1986 are two federal statutes affording criminal and civil liability for violations of privacy and security provisions relating to the use of CHRI. Additionally, 28 U.S.C., section 534, contains provisions calling for the cancellation of access rights by criminal justice agencies if the dissemination of CHRI is made outside the receiving department or a related agency. Furthermore most (if not all) states have laws which criminalize or provide civil liability for misuse/unauthorized dissemination of their CHRI.

CHRI recipients are again reminded that, with the exception of federally approved uses, the III may only be accessed and used by criminal justice agencies for criminal justice purposes. Users are also reminded that III may be used for a criminal justice employment background, but that such inquiry should be followed up with fingerprint submission.

I have read and understand the above information. And by affixing my name to this document, agree to abide by all of the laws, rules and regulations cited within this document.

Signature

Date

Name (Please Print)