

ALABAMA JUSTICE INFORMATION COMMISSION
ADMINISTRATIVE CODECHAPTER 265-X-2
SECURITY AND CONFIDENTIALITY OF CRIMINAL JUSTICE INFORMATION

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265-X-2-.01	<u>Definitions.</u>

(1) The term "criminal justice agencies "means only those public agencies, or subunits thereof, at all levels of government which perform as their principal function activities 1) relating to the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of criminal offenders; or 2) relating to the

collection, storage, and dissemination of criminal justice records.

(2) The terms "criminal history record information", "criminal history information", "criminal histories", "criminal history record" or "CHRI" mean information compiled by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and any disposition arising therefrom, sentencing, correctional supervision, and release. It shall be understood not to include intelligence, analytical, and investigative reports and files, nor statistical records and reports in which individuals are not identified and from which their identities are not ascertainable.

(3) The term "Alabama Background Check (ABC) System", "Alabama Background Check", "ABC system", "Alabama Background Check program", "ABC program", or "ABC" means the system administered by the Alabama Criminal Justice Information Center to allow "employers" or others allowed by law to obtain ABC reports.

(4) The term "ABC Report" means a report produced by information systems within ACJIC that details a specific person's criminal record including, but not limited to, records within the state's criminal history repository at ACJIC.

(5) The term "Commission" means Alabama Criminal Justice Information Center Commission.

(6) The term "ACJIC" means Alabama Criminal Justice Information Center.

(7) The term "NCIC" means the National Crime Information Center operated by the Federal Bureau of Investigation.

(8) The term "LEDS" refers to the Law Enforcement Data System operated by the ACJIC. LEDS contains computerized files consisting of wanted persons, stolen vehicles, stolen property and firearms, vehicle and boat registration, and drivers license information.

(9) The term "direct access" means access or the right to access by an agency or individual to criminal justice records maintained by the ACJIC without the intervention of another and independent agency or individual.

(10) The term "indirect access" means access to criminal justice information through any agency or individual authorized direct access to criminal justice records maintained by ACJIC.

(11) The term "administration of criminal justice" means the 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. It also includes criminal identification activities and the collection, storage, and dissemination of criminal history record information.

(12) The term "system log(s) " means statistical information and reports of any nature whatsoever that can be compiled from data relating to the operation of the ACJIC's computerized information system and telecommunication network, including, but not limited to, terminal activity reports and dissemination logs.

(13) An "employer" is defined as meeting one of the following criteria

(a) "Non-Farm Business Employer" is any employer who has had in employment one or more workers on some day in 20 or more different weeks, whether or not consecutive, during the current or preceding calendar year, or who has paid wages of \$1,500.00 or more in any calendar quarter during the current or preceding calendar year.

(b) A "Household Domestic Employer" is any employer who has paid domestic workers in a private household, college club, fraternity or sorority house a total of \$1,000.00 or more in cash wages in any calendar quarter during the current or preceding calendar year.

(c) An "Agricultural Employer" is any employer who has had in employment 10 or more agricultural workers on the same day in 20 or more different weeks during the current or preceding calendar year or who has paid a total of \$20,000.00 in cash wages to agricultural workers during any calendar quarter of the current or preceding calendar year.

(d) A "Government Employer" is any state or federal agency or political subdivision of a state.

(14) An "employee" is defined as any person who worked full-time or part-time for any period, whether financially compensated, volunteered, or for the purpose of government or educational benefit for the employer, as defined in this administrative rule.

(15) A "prospective employee" is defined as any person who has made application to work full-time or part-time for any period, whether financially compensated, volunteered, or for the purpose of government or educational benefit to the employer, as defined in this administrative rule.

(16) The "right to know" defined as an employee's or prospective employee's criminal record is established by having the employee or prospective employee to sign an ABC System, waiver. (See Appendix D.)

(17) "Third Party User" means is an agent of the "employer" designated to receive ABC reports on the behalf of the "employer" by entering into a "Third Party Users' agreement" with ACJIC. (See Appendix F)

Author: Becki R. Goggins

Statutory Authority: Code of Ala. 1975, §41-9-594.

History: Filed June 24, 1987. **Amended:** Filed July 25, 2006; effective August 29, 2006. **Amended:** Filed July 29, 2008; effective September 2, 2008.

265-X-2-.02**Criminal Justice Information Dissemination
Policies And Procedures.****(1) Criminal-History Record Information (CHRI).**

(a) Criminal Justice Agencies. Criminal justice agencies, upon completion of a privacy and security agreement as specified in this rule, shall be authorized direct access to criminal history record information for the following purposes:

1. Functions related to the administration of criminal justice.
2. Criminal justice agency pre-employment screening and job assignment decisions.
3. Criminal history record information may be disseminated directly to federal agencies and agencies of other states only if they are criminal justice agencies within the meaning of these rules.

(b) Non-criminal Justice Agencies. The following types of non-criminal justice agencies may be authorized indirect access to criminal history record information upon approval by the appropriate authority and completion of a privacy and security agreement:

1. Agencies authorized by state or federal statute or court order to have access to criminal history information may be granted indirect access to such information. Dissemination will be through the ACJIC or designated criminal justice agencies. Application for access to criminal history information under this paragraph shall be addressed to the ACJIC director.
2. Agencies or individuals may be authorized access to criminal history record information for the express purpose of research, evaluative, or statistical activities pursuant to a specific agreement with the ACJIC and with the approval of the ACJIC director. Individuals or agencies seeking access under this

paragraph shall submit to the ACJIC a completed research design that assures the security and confidentiality of the data. Dissemination of criminal records pursuant to this paragraph will be through the ACJIC.

3. Employers may be granted a subscription to access the Alabama Background Check (ABC) System in order to receive ABC reports pertaining to employees or prospective employees or other purposes as allowed by law. (See Appendix E.) Employers may also designate a third party to receive this information on their behalf by entering into a "third party users' agreement" with ACJIC. (See Appendix F.) Employers and/or the employer's "Third Party User" may only request ABC reports for employees or prospective employees once a "right to know" has been established. Third Party Users may not provide and/or share ABC reports with any external agent or entity other than the "employer" for which the reports were requested.

4. The use of the criminal history information provided by ACJIC through the Alabama Background Check (ABC) System shall be limited to the purposes for which it was released. Dissemination will be through the ACJIC and application for records under this section shall be in writing to the ACJIC Director or through the Alabama Background Check (ABC) System administered by ACJIC. Fees shall be charged for disseminating such records. Such fees shall be set from time to time by resolution of the Commission as deemed appropriate.

(2) Privacy and Security Agreements. Each agency or individual authorized access to criminal history record information, whether directly or through any intermediary, shall enter into a privacy and security agreement with the ACJIC.

(a) Criminal justice agencies shall agree to the following:

1. To receive, store, use, and disseminate criminal history record information in strict compliance with state and federal statutes and regulations governing criminal history record information.
2. To make its records available to the ACJIC for the purpose of conducting periodic audits to determine compliance with statutes and regulations governing criminal history record information.
3. To keep such records as the ACJIC may require to facilitate such audits.

(b) Non-criminal justice agencies shall agree to the following:

1. To receive, store, and use criminal history record information in strict compliance with state and federal statutes and regulations governing criminal history record information.
2. To restrict the use of criminal history record information to the purposes for which it was provided and disseminate it no further.
3. To keep such records as the ACJIC may require and to make those records available for audit to determine compliance with appropriate statutes and regulations.
4. To familiarize personnel working with or having access to criminal history record information with the appropriate statutes and regulations governing such information.

(3) General Policies on the Use and Dissemination of Criminal History-Record Information.

(a) Criminal history records obtained from the National Crime Information Center (NCIC) through the ACJIC are subject to the policies promulgated by the NCIC Advisory Policy Board.

(b) No agency or individual having access to criminal history record information maintained by the ACJIC, whether directly or through any intermediary, shall confirm the existence or nonexistence of such information to any person or agency that would not be eligible to receive the information itself.

(4) System Logs. The dissemination of system logs, as defined herein, shall be limited to the following:

(a) The ACJIC staff, as authorized by the Director, when necessary for the performance of their duties;

(b) The director of the department, agency, or other entity whose activity the report concerns;

(c) To any other person or entity upon order of a court of competent jurisdiction; or

(d) Upon formal, written request to the ACJIC director, to a criminal justice agency conducting an official investigation of alleged or suspected criminal activity in which said records may be useful to the investigating authority.

(5) Information Contained in the Law Enforcement Data Systems (LEDS). Records and information contained in the computerized files of the ACJIC's Law Enforcement Data system may be disseminated to non-criminal justice agencies and individuals pursuant to the following restrictions:

(a) Individually identifiable information may be released by an agency having direct access to LEDS information if a responsible official of that agency determines that it would be in the best interest of law enforcement to release the information.

(b) Data not individually identifiable may be released to any non-criminal justice agency or individual.

(c) The information is released to an employer as defined in this administrative rule (or its third party designee), with a valid subscription to ACJIC's Alabama Background Check (ABC) System.

Author: Becki R. Goggins

Statutory Authority: Code of Ala. 1975, §§41-9-621, 41-9-636, 41-9-642.

History: Filed June 24, 1987. **Amended:** Filed July 25, 2006; effective August 29, 2006. **Amended:** Filed July 29, 2008; effective September 2, 2008.

265-X-2-.03

Individual Access, Review And Challenge Of Criminal History Record Information.

(1) An individual about whom the Alabama Criminal Justice Information Center (ACJIC) maintains criminal history record information (CHRI), has the right to review such information and to challenge any portion of the CHRI he or she believes to be inaccurate or incomplete.

(a) Request to Review CHRI.

1. To review CHRI maintained by ACJIC, the subject of the CHRI must complete the application to review or challenge AL criminal history record information provided by ACJIC (see Appendix A). This application may be obtained online at www.acjic.alabama.gov, or by writing to the Director of the Alabama Criminal Justice Information Center at its current mailing address in Montgomery, Alabama.

(b) All parts of the application, including a fully classifiable set of the applicant's fingerprints (see Appendix C), must be completed according to the instructions provided by ACJIC (see Appendix B).

(c) An administrative fee of \$25.00 must be returned to ACJIC with the properly completed application and the required fingerprints and documentation. Personal or business checks are not acceptable. The \$25.00 fee should be in the form of a cashier's check or money order made payable to the State of Alabama.

2. Review of CHRI. Upon proper identification of the applicant's CHRI maintained by ACJIC, a copy of the said record will be mailed to the address on the applicant's request application.

3. Challenge of CHRI.

(a) Should the applicant believe that the CHRI maintained by the ACJIC is inaccurate or incomplete, he or she may, within one calendar year of the date of the ACJIC response to the applicant's CHRI application, challenge the inaccurate or incomplete CHRI by completing the application to review or challenge AL criminal history record information provided by ACJIC and returning it with the required information and supporting documentation to the ACJIC.

(b) A copy of the application will be provided to the applicant with a copy of his or her CHRI.

(c) For each item challenged in the copy of his or her CHRI provided by ACJIC, the applicant must include, at a minimum, the following details on each item being challenged. If possible, the applicant should include a copy of his or her CHRI provided by ACJIC that is being challenged, and should cite and, when possible, include official documents to support each item challenged.

1. The charge and DATE of each specific arrest or disposition being challenged;

2. The Name of the ARRESTING AGENCY OR COURT for each arrest or disposition being challenged;

3. A listing of each specific arrest or disposition being challenged;

4. The details related to why each specific arrest is incorrect or incomplete;

5. What the applicant believes to be the correct information for each arrest or disposition being challenged;

6. Where the applicant obtained what he/she believes to be the correct supporting information (if applicable); and

7. Official documentation from the arresting agency or court (if applicable) to support each arrest or disposition being challenged.

(d) An individual's challenge to his/her CHRI maintained by ACJIC will be maintained by ACJIC for one calendar year of the date the challenge response is mailed to the applicant by ACJIC. After that date, a new application to review or challenge AL criminal history record information provided by ACJIC must be submitted in the manner required.

(e) Review of Challenged CHRI.

1. The ACJIC Director shall designate an agency official to review any challenge to CHRI maintained by ACJIC.
2. All documentation concerning the challenged CHRI will be forwarded by ACJIC to the agency originally having custody or control of the specific record(s) being challenged;
3. Should the agency originally having custody or control of the record(s) determine the challenged CHRI to be inaccurate or incomplete, it shall purge, modify or supplement said CHRI as appropriate, and notify ACJIC.
4. The ACJIC shall inform the individual filing the challenge to CHRI of the action taken by the reviewing agency. Should the challenged CHRI be purged, modified, or supplemented, ACJIC shall notify the Alabama Bureau of Investigation's Identification Unit and the Federal Bureau of Investigation, as appropriate, of the correction.

(f) Administrative Appeal.

1. Should the agency having original custody or control of the challenged CHRI decline to purge, modify, or supplement the challenged record, or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual may appeal to the ACJIC Commission.
2. The Administrative Appeal request is perfected by notifying the ACJIC Director, in writing, of the intent to appeal.
3. The Commission will hear the appeal at its next regular meeting and the appellant may present any evidence or witnesses he or she desires to support the specific challenged items. The agency of record will be permitted to substantiate its decision on the initial challenge. If the Commission rules to correct or

otherwise modify the CHRI, the agency of record will be notified. The record maintained by the ACJIC will be corrected and modified in accordance with the Commission's decision. ACJIC shall notify the appellant, the Alabama Bureau of Investigation's Identification Unit and the Federal Bureau of Investigation, as appropriate, of the correction.

(g) Appeal to the Circuit Court. Should the individual originally challenging his or her own CHRI maintained by the ACJIC believe the Commission's decision to be in error or should he or she otherwise be dissatisfied, he or she may appeal to the appropriate circuit court as specified in Code of Ala. , 1975 Subsection 41-9-643, 41-9-644, 41-9-645, 41-9-646.

Author: Lynn M. Childs

Statutory Authority: Code of Ala. 1975, §§41-9-643, 41-9-644, 41-9-645, 41-9-646.

History: Filed June 24, 1987. **Amended:** Filed July 25, 2006; effective August 29, 2006. **Amended:** Filed July 29, 2008; effective September 2, 2008. **Amended:** Filed July 29, 2008; effective September 2, 2008. **Amended:** Filed May 7, 2012; effective June 11, 2012.

265-X-2-.04 System Access Policies.

(1) A criminal justice agency may directly access the Alabama Criminal Justice Information Center's network by connecting one of the agency's computer terminals to the network. ACJIC may enter into an agreement with an agency to permit additional terminals or devices to connect to the network upon such terms and conditions as may be mutually agreeable to the ACJIC Commission and the agency.

(2) All access to the Alabama Criminal Justice Information Center's network must have approval of the ACJIC Director and be in full compliance with all ACJIC privacy and security policies governing network connectivity and system access.

Author: Becki R. Goggins

Statutory Authority: Code of Ala. 1975, §41-9-594.

History: Filed July 10, 1989. **Amended:** Filed June 23, 1994; effective July 28, 1994. **Amended:** Filed July 25, 2006; effective August 29, 2006. **Amended:** Filed July 29, 2008; effective September 2, 2008.

265-X-2-AA

**Appendix A - Application To Review Or Challenge AL
Criminal History Record Information.**

ALABAMA CRIMINAL JUSTICE INFORMATION CENTER (ACJIC)
Application to Review or Challenge
AL Criminal History Record Information

PART I: Applicant Information

Full Name (First, Middle, Last, Suffix): _____

Applicant Current Address: _____

City _____ State _____ Zip Code _____

Alias or Nickname(s): _____

Social Security Number: _____

Date of Birth: (Month/Date/Year) _____ / _____ / _____

Sex/Gender: ☐ Male ☐ FemaleRace: ☐ White ☐ Black ☐ Asian ☐ Indian☐ Other (please specify)

Current Driver's License Number: _____ Issuing State: _____

Current e-mail address : _____

Home Phone #: () _____ Cell Phone #: () _____

Work Phone #: () _____ Extension _____

1. My request is to (check all that apply):

☐ Review a copy of my CHRI maintained by ACJIC;☐ Challenge specific items in my CHRI maintained by ACJIC

(please see requirements in Part II of this application).

2. Included with my Application are the following items:
- a. The required copy of my valid photo identification (see application instructions for requirements and accepted forms of identification).
 - b. The required \$25.00 administrative fee (money order or Cashier's checks, made payable to the "State of Alabama".
 - c. A classifiable copy of my own fingerprints, taken by law enforcement as required.

I, the above referenced individual, hereby request to Review or Challenge my Alabama criminal history record information (CHRI) maintained by the Alabama Criminal Justice Information Center, Alabama's official criminal history repository. By signing below and submitting this application, I hereby verify that the information listed in my application and in the attached documentation is correct. I also acknowledge that I understand that, in accordance with Section 41-9-601 of the Code of Alabama 1975, that any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who willfully communicates or seeks to communicate criminal offender record information to any agency or person without authorization, may be guilty of a felony, and shall be fined not less than \$5,000 nor more than \$10,000 or imprisoned in the state penitentiary for not more than five years or both. §41-9-601, Code of Ala. (1975).

Applicant Signature _____ Date _____

PART II: Request to Challenge CHRI maintained by ACJIC

An individual may Challenge or Appeal any portion of his or her own Criminal History Record Information (CHRI) maintained by the Alabama Criminal Justice Information Center that he or she believes to be **incomplete** or **inaccurate**. This may be requested by completing the *ACJIC Application to Review or Challenge AL Criminal History Record Information* and returning it along with the required documentation to ACJIC within one calendar year of the date of the ACJIC response to the individual's request to review CHRI.

Please attach in writing the following information regarding EACH arrest and/or disposition you wish to challenge:

1. The charge and DATE of each specific arrest or disposition being challenged;
2. The Name of the ARRESTING AGENCY OR COURT for each arrest or disposition being challenged;
3. A listing of each specific arrest or disposition being challenged;
4. The details related to why each specific arrest is incorrect or incomplete;
5. What the applicant believes to be the correct information for each arrest or disposition being challenged;
6. Where the applicant obtained what he/she believes to be the correct supporting information (if applicable); and
7. Official documentation from the arresting agency or court (if applicable) to support each arrest or disposition being challenged.

Please mail your completed application, along with the required documentation to: Alabama Criminal Justice Information Center - P.O. Box 300660 - Montgomery, Alabama 36130-0660 ATTN: Director

The *ACJIC Application to Review or Challenge AL Criminal History Record Information* will be reviewed by an ACJIC official, along with the documentation provided. The applicant will be notified as promptly as possible of the results of the challenge and you may appeal a decision that is unsatisfactory to you according to the procedures established by the ACJIC Commission.

Author: Lynn M. Childs

Statutory Authority: Code of Ala. 1975, §41-9-594.

History: Amended: Filed July 29, 2008; effective September 2, 2008. **Amended:** Filed May 7, 2012; effective June 11, 2012.

265-X-2-AB

**Appendix B - Instructions For Completing
Application To Review Or Challenge AL Criminal
History Record Information.****Instructions for Completing
ACJIC Application to Review or Challenge
AL Criminal History Record Information**

Under Alabama law and U.S. Government regulations, you have the right to review your criminal records criminal history record information maintained by the the Alabama Criminal Justice Information Center. To review your record, you must complete the ACJIC Application to Review or Challenge AL Criminal History Record Information and mail it to the Alabama Criminal Justice Information Center, P.O. Box 300660, Montgomery, Alabama 36130-0660 ATTN: Director.

An administrative fee of \$25.00 (twenty-five dollars) will be charged for each review. A certified check or money order in the amount of \$25.00 (twenty-five dollars) made payable to the STATE OF ALABAMA must be included in each request for review.

Instructions for Applicant

In order for your request to review, challenge or appeal your Alabama criminal history record information to be processed by the Alabama Criminal Justice Information Center (ACJIC), you must complete the *ACJIC Application to Review or Challenge AL Criminal History Record Information* in accordance with the following instructions:

1. **Your application must include a copy of one of the following forms of your own valid photo identification:**
 - a. A valid unexpired United States state-issued photo driver license or photo ID (non-driver) card;
 - b. A valid unexpired United States Active Duty, Retiree or Reservist military ID card (DD Form 2 or 2A);
 - c. A valid unexpired United States Military Dependent ID card (for spouse or children of Active Duty Military personnel);
 - d. A valid unexpired United States Citizenship and Immigration Service Documentation, which may include either:
 - i. Certificate of Naturalization N-550, N-570, N-578; or
 - ii. Certificate of Citizenship N-560, N-561, N-645
 - e. A valid unexpired United States Passport; or
 - f. A valid unexpired Foreign Passport which meets the following requirements:
 - i. A foreign passport must contain a Valid United States Visa or I-94 to be used as a primary proof of identification; or

- ii. A foreign passport, not issued in English, must be translated and accompanied by a Certificate of Accurate Translation. Passports are not acceptable if un-translated into English and/or expired.
- 2. **Your application must include the required \$25.00 administrative fee in the form of only a cashier's check or a money order made payable to the "State of Alabama" (sorry - personal and/or business checks are not accepted).; and**
- 3. **Your application must include a classifiable set of your own fingerprints, taken by an authorized law enforcement agency with an FBI-issued Originating Agency Number (ORI). Details for the fingerprinting agency are attached to this form.**
 - a. The fingerprints accompanying your application should be provided to ACJIC on an official FBI-approved "Applicant" fingerprint card or a FBI-approved AFIS printout of an official "Applicant" fingerprint card (i.e., FBI blue card) collected by an approved law enforcement agency with a valid FBI ORI. This permits positive identification and insures that the proper criminal record is reviewed.
- 4. **If your application includes a CHALLENGE of any part of your CHRI maintained by ACJIC, these portions of the application must include, at a minimum:**
 - a. The charge and DATE of each specific arrest or disposition being challenged;
 - b. The Name of the ARRESTING AGENCY OR COURT for each arrest or disposition being challenged;
 - c. A listing of each specific arrest or disposition being challenged;
 - d. The details related to why each specific arrest is incorrect or incomplete;
 - e. What the applicant believes to be the correct information for each arrest or disposition being challenged;
 - f. Where the applicant obtained what he/she believes to be the correct supporting information (if applicable); and
 - g. Official documentation from the arresting agency or court (if applicable) to support each arrest or disposition being challenged.
- 5. **Your completed request and all of the required documentation should be mailed to:** Alabama Criminal Justice Information Center - P.O. Box 300660—Montgomery, Alabama 36130-0660 ATTN: Director

Please allow a minimum of 5-10 business days from the date the application is received by ACJIC for ACJIC to process your request for review. Requests to Challenge CHRI information do NOT fall under this timeframe, as they require additional research, contact and verification with the arresting agencies, etc.

If you have any questions concerning this procedure, you may contact the Alabama Criminal Justice Information Center by calling (334) 517-2400.

Author: Lynn M. Childs

Statutory Authority: Code of Ala. 1975, §41-9-594.

History: **Amended:** Filed July 25, 2006; effective August 29, 2006. **Amended:** Filed July 29, 2008; effective September 2, 2008.

Amended: Filed May 7, 2012; effective June 11, 2012.

265-X-2-AC

**Appendix C - Instructions For Law Enforcement
Official Taking Applicant Fingerprints And Sample
Of FBI "Applicant" Fingerprint Card FD-258 (Rev
12-10-07)**.

**Instructions for Law Enforcement Official taking applicant
fingerprints and sample of FBI "Applicant" Fingerprint Card FD-258
(Rev 12-10-07)**

Individual citizens may request, and may be provided with, classifiable sets of their own fingerprints to accompany a request for his/her own Alabama criminal history record information (CHRI) from the Alabama Criminal Justice Information Center (ACJIC) in accordance with procedures established by the statewide ACJIC Commission in Section 265-X-2 of the Alabama Administrative Code.

One of the requirements in these procedures requires the individual to provide a classifiable set of his or her own fingerprints, taken by an authorized law enforcement agency with an FBI-issued ORI, with his or her application to Review or Challenge his or her own Alabama criminal history. This permits positive identification and insures that the proper criminal record is reviewed and/or challenged.

1. The individual you are fingerprinting should provide proper identification to your agency upon request.
2. This individual's fingerprints should be taken by law enforcement on an FBI "Applicant" Fingerprint Card (i.e. blue card). Please insure that your agency's name and ORI, AND your name and telephone number, are included on the completed fingerprint card.
3. Return the completed fingerprint card to the applicant, as it is the APPLICANT's responsibility to mail the completed CHRI request form, along with his/her own fingerprint card and the other required documents to:

Alabama Criminal Justice Information Center

P.O. Box 300660

Montgomery, Alabama 36130-0660, ATTN: Director.

4. If you have any questions, please call the Crime Statistics and Information Division of the Alabama Criminal Justice Information Center at (334) 517-2450, or you may contact the FBI's Identification and Investigative Services Section's Customer Service Group at (304) 625-5590 or by e-mail at liaison@leo.gov

Sample of FBI "Applicant" Fingerprint Card FD-258 (Rev 12-10-07)

APPLICANT *See Privacy Act Notice on Back FD-258 (REV 12-10-07)		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK LAST NAME NAM FIRST NAME MIDDLE NAME				FBI		LEAVE BLANK	
SIGNATURE OF PERSON FINGERPRINTED		ALIASES AKA O R I						DATE OF BIRTH DOB Month Day Year			
RESIDENCE OF PERSON FINGERPRINTED											
DATE		SIGNATURE OF OFFICIAL TAKING FINGERPRINTS		CITIZENSHIP CTZ		SEX		RACE		HGT.	
EMPLOYER AND ADDRESS		YOUR NO. OCA		FBI NO. FBI		WGT.		EYES		HAIR	
REASON FINGERPRINTED		ARMED FORCES NO. MINU		SOCIAL SECURITY NO. SOC		PLACE OF BIRTH POB					
		MISCELLANEOUS NO. MINU									
LEAVE BLANK											
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE			
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE			
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			

1110-0048 3/21/2010

FEDERAL BUREAU OF INVESTIGATION UNITED STATES DEPARTMENT OF JUSTICE

CJIS DIVISION/CLARKSBURG, WV 26306

APPLICANT

THIS CARD FOR USE BY:

1. LAW ENFORCEMENT AGENCIES IN FINGERPRINTING APPLICANTS FOR LAW ENFORCEMENT POSITIONS.*
2. OFFICIALS OF STATE AND LOCAL GOVERNMENTS FOR PURPOSES OF EMPLOYMENT, LICENSING, AND PERMITS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STATES. LOCAL AND COUNTY ORDINANCES, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE STATUTES DO NOT SATISFY THIS REQUIREMENT.**
3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES REQUIRED BY FEDERAL LAW.**
4. OFFICIALS OF FEDERALLY CHARTERED OR INSURED BANKING INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

Please review this helpful information to aid in the successful processing of hard copy criminal and civil fingerprint submissions in order to prevent delays or rejections. Hard copy fingerprint submissions must meet specific criteria for processing by the Federal Bureau of Investigation.

Ensure all information is typed or legibly printed using blue or black ink.

Enter data within the boundaries of the designated field or block.

Complete all required fields. (If a required field is left blank, the fingerprint card may be immediately rejected without further processing.)

* The required fields for hard copy fingerprint cards are: originating agency, identifier number, date of birth, place of birth, name, sex, fingerprint impressions, any applicable state stamp, other race, height, weight, eye color, hair color.

** Criminal fingerprint cards also require an arrest charge and date of arrest.
Civil fingerprint cards also require a reason fingerprinted and date fingerprinted.

Do not use highlighters on fingerprint cards.
Do not enter date or lat within "Leave Blank" areas.
Ensure the "Reply Desired" field is checked when applicable (criminal only).
Ensure fingerprint impressions are rolled completely from nail to nail.
Ensure fingerprint impressions are in the correct sequence.
Ensure notations are made for any missing fingerprint impression (i.e. amputation).
Do not use more than two retakes per fingerprint impression block.
Ensure no stray marks are within the fingerprint impression blocks.

Training aids can be ordered online via the Internet by accessing the FBI's website at: fbi.gov, click on "Fingerprints", then click on "Ordering Fingerprint Cards & Training Aids". Direct questions to the Identification and Investigative Services Section's Customer Service Group at (304) 625-6690 or by e-mail at visison@fbi.gov.

PRIVACY ACT STATEMENT

Authority: The FBI's acquisition, preservation, and exchange of information requested by this form is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include numerous Federal statutes, hundreds of State statutes pursuant to Pub.L. 92-544, Presidential executive orders, regulations and/or orders of the Attorney General of the United States, or other authorized authorities. Examples include, but are not limited to: 5 U.S.C. 9101; Pub. L. 94-26; Pub. L. 101-664; and Executive Orders 10450 and 12965. Providing the requested information is voluntary; however, failure to furnish the information may affect timely completion or approval of your application.

Social Security Account Number (SSAN): Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9357 also asks Federal agencies to use this number to help identify individuals in agency records.

Principal Purpose: Certain determinations, such as employment, security, licensing, and adoption, may be predicated on fingerprint-based checks. Your fingerprints and other information contained on (and along with) this form may be submitted to the requesting agency, the agency conducting the application investigation, and/or FBI for the purpose of comparing the submitted information to available records in order to identify other information that may be pertinent to the application. During the processing of this application, and for as long thereafter as may be relevant to the activity for which this application is being submitted, the FBI may disclose any potentially pertinent information to the requesting agency and/or to the agency conducting the investigation. The FBI may also retain the submitted information in the FBI's permanent collection of fingerprints and related information, where it will be subject to comparisons against other submissions received by the FBI. Depending on the nature of your application, the requesting agency and/or the agency conducting the application investigation may also retain the fingerprints and other submitted information for other authorized purposes of such agency(ies).

Routine Uses: The fingerprints and information reported on this form may be disclosed pursuant to your consent, and may also be disclosed by the FBI without your consent as permitted by the Federal Privacy Act of 1974 (5 USC 552a(b)) and all applicable routine uses as may be published at any time in the Federal Register, including the routine uses for the FBI Fingerprint Identification Records System (Justice/FBI-029) and the FBI's Biometric Routine Uses (Justice/FBI-BRU). Routine uses include, but are not limited to, disclosures to: appropriate governmental authorities responsible for civil or criminal law enforcement, counterintelligence, national security or public safety matters to which the information may be relevant; to State and local governmental agencies and non-governmental entities for application processing as authorized by Federal and State legislation, executive order, or regulation, including employment, security, licensing, and adoption checks; and as otherwise authorized by law, treaty, executive order, regulation, or other lawful authority. If other agencies are involved in processing this application, they may have additional routine uses.

Additional Information: The requesting agency and/or the agency conducting the application investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any system(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).

INSTRUCTIONS:

- * 1. PRINTS MUST GENERALLY BE CHECKED THROUGH THE APPROPRIATE STATE IDENTIFICATION BUREAU, AND ONLY THOSE FINGERPRINTS FOR WHICH NO DISQUALIFYING RECORD HAS BEEN FOUND LOCALLY SHOULD BE SUBMITTED FOR FBI SEARCH.
2. IDENTITY OF PRIVATE CONTRACTORS SHOULD BE SHOWN IN SPACE "EMPLOYER AND ADDRESS". THE CONTRIBUTOR IS THE NAME OF THE AGENCY SUBMITTING THE FINGERPRINT CARD TO THE FBI.
3. FBI NUMBER, IF KNOWN, SHOULD ALWAYS BE FURNISHED IN THE APPROPRIATE SPACE.

** MISCELLANEOUS NO. - RECORD: OTHER ARMED FORCED NO. PASSPORT NO. (FP), ALIEN REGISTRATION NO. (AR), PORT SECURITY CARD NO. (PS), SELECTIVE SERVICE NO. (SS) VETERANS' ADMINISTRATION CLAIM NO. (VA).

FD-258 (REV. 12-10-07)

Author:

Statutory Authority: Code of Ala. 1975, §41-9-594.

History: Amended: Filed July 29, 2008; effective September 2, 2008. Amended: Filed May 7, 2012; effective June 11, 2012.

265-X-2-AD

Appendix D - Waiver To Release Criminal History Information.**ALABAMA BACKGROUND CHECK (ABC) REPORT WAIVER**

Pursuant to §49-9-594, Code of Alabama 1975, the Alabama Criminal Justice Information Center (ACJIC) may supply employee criminal records and may provide the procedure for obtaining the records. The purpose of this waiver is to provide my employer/prospective employer with sufficient identifying information about myself to allow my employer/prospective employer to obtain my criminal record by querying the ACJIC Alabama Background Check (ABC) system.

By signing this waiver I, _____, certify that all of the personal identifying information provided herein is accurate. I understand that by providing this information and signing this document I agree to allow my employer/prospective employer to receive a copy of my ABC report through ACJIC.

I understand that ABC reports may contain reported felony and misdemeanor arrests, violations, and court records included in records maintained by the State of Alabama. I further understand that ABC reports contain personal information from motor vehicle records included in records maintained by the State of Alabama. Personal information is information that identifies the individuals on whom the ABC report is conducted, including photograph, social security number, driver identification number, name, address, telephone number, and medical or disability information. Juvenile, youthful offender, sealed and/or expunged records will not appear on any ABC report.

I further understand that any information supplied on an ABC report is derived from a **name-based** search using only the identifiers submitted by my employer/prospective employer or this employer's authorized Third Party User based on the information provided by me on this form. ACJIC in no way guarantees that criminal history record information provided through this system is for the person named in the request. Fingerprint based searches are the most reliable way to conduct criminal record checks and the least likely to result in either a false positive or false negative search result. This is not a fingerprint based search.

I understand that this waiver must be sent to ACJIC electronically in a form prescribed by ACJIC.

I understand that the results of my ABC report may be verified by submitting fingerprints to the Alabama Department of Public Safety.

Asterisks denote required information.

Last Name*: _____ First
Name*: _____

Middle Name: _____ Maiden
Name: _____

Street
Address: _____

Sex*: _____ Race*: _____ Date of
Birth*: _____

Social Security Number*: _____ Place of
Birth: _____

Drivers License State/Number: _____

Signature*: _____ Date of
Signature*: _____

Name (Please
Print)*: _____

Employer/Prospective
Employer*: _____

Author: Becki R. Goggins

Statutory Authority: Code of Ala. 1975, §41 9 594.

History: New Appendix: Filed July 25, 2006; effective August 29,
2006. **Amended:** Filed July 29, 2008; effective September 2, 2008.

265-X-2-AE

**Appendix E - Alabama Criminal Justice Information
Center (ACJIC) Online Criminal History Sales
Subscriber Agreement.**

ALABAMA CRIMINAL JUSTICE INFORMATION CENTER (ACJIC)

ALABAMA BACKGROUND CHECK (ABC) SYSTEM SUBSCRIBER AGREEMENT

All employers seeking to subscribe to the ACJIC Alabama Background Check (ABC) system must read and sign this document. Employers will be notified via e-mail of their subscription status. (Employers who are authorized to use the CHS system shall be referred to as "subscribers" in this document.)

Qualifications for Subscribers

In order to qualify as a subscriber and to purchase ABC reports you must be an employer as defined below:

1. Non-Farm Business Employers -

(a) Any employer who has had in employment one or more workers on some day in 20 or more different weeks, whether or not consecutive, during the current or preceding calendar year.

(b) Any employer who has paid wages of \$1,500.00 or more in any calendar quarter during the current or preceding calendar year.

2. Household Domestic Employers -

Domestic employers are defined as any employer who had paid domestic workers in a private household, college club, fraternity or sorority house a total of \$1,000.00 or more in cash wages in any calendar quarter during the current or preceding calendar year.

3. Agricultural Employers -

Agricultural employers are defined as any employer who has had in employment 10 or more agricultural workers on the same day in 20 or more different weeks during the current or preceding calendar year or who has paid a total of \$20,000.00 in cash wages to agricultural workers during any calendar quarter of the current or preceding calendar year.

4. Government Employers -

Any state or federal agency or political subdivision of a state.

Please note the above criteria for employers are the same as those requiring an agency, nonprofit organization or other business entity to comply with state unemployment tax laws administered by the Alabama

Department of Industrial Relations (DIR). Verification of Alabama employer status by ACJIC may be based on records maintained by the appropriate licensing, certification or taxation agency within the state where the subscriber is located.

ABC reports may only be obtained for employees or prospective employees of entities with a valid subscription to the ABC system.

Subscribers may designate a third party agency to perform online queries of the ABC system with the express written consent of ACJIC. In the event a third party will be using the ABC system, a separate Memorandum of Agreement for Third Party Users of the Alabama Background Check (ABC) System must be signed and approved by ACJIC.

If you meet the criteria for employers as defined above, you must sign this agreement, and send a copy to ACJIC. You must also retain the original signed user's agreement throughout the duration of your subscription with ACJIC and for a period of three years thereafter. In order to obtain an ABC report on an employee or prospective employee, the employer must establish a "right to know" this information. For the purposes of this agreement, the right to know is established by having the employee or prospective employee to sign an ABC Report Waiver. Waivers for employees and prospective employees who submit to a criminal background check via the ABC system must be sent to ACJIC electronically in a form prescribed by ACJIC.

Audit Requirements and Penalties for Misuse of the CHS System

ACJIC retains the right to inspect (audit) user's agreements and/or waivers at any time during the subscription agreement or within three years of termination of service. In the event it is determined an ABC report was obtained by an agency without a valid user's agreement and/or waiver, the receiving entity may be subject to criminal prosecution for misuse of criminal history data as defined in §41-9-601, Code of Alabama 1975.

§41-9-601 - Obtaining, etc., of criminal offender record information under false pretenses, falsification of information, etc.

Any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses or who willfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with this article, or any member, officer, employee or agent of the ACJIC, the ACJIC or any participating agency who willfully falsifies criminal offender record information or any records relating thereto shall, for each offense, be fined not less than \$5,000.00 nor more than \$10,000.00 or imprisoned in the state penitentiary for not more than five years or both.

Additional penalties that may apply in the event criminal history information is unlawfully obtained include, but are not limited to:

§13A-8-100 - Offenses against intellectual property.

(a) *Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, attempts or achieves access, communication, examination, or modification of data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.*

(b) *Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, destroys data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.*

(c) *Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, discloses, uses, or takes data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.*

(d) (1) *Except as otherwise provided in this subsection, an offense against intellectual property is a Class A misdemeanor, punishable as provided by law.*

(2) *If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a Class C felony, punishable as provided by law.*

(3) *If the damage to such intellectual property is greater than two thousand five hundred dollars (\$2,500), or if there is an interruption or impairment of governmental operation or public communication, transportation, or supply of water, gas, or other public or utility service, then the offender is guilty of a Class B felony, punishable as provided by law.*

(4) *Whoever willfully, knowingly, and without authorization alters or removes data causing physical injury to any person who is not involved in said act shall be guilty of a Class A felony, punishable as provided by law.*

Explanation of Information Contained within ABC Reports

By signing this agreement, the employer acknowledges that ABC reports are queries based on the following identifying information provided by employers.

- Employee Name (Required)
- Employee Sex (Required)
- Employee Race (Required)

Employers must also supply two of the following "numeric" identifies for each employee or prospective employee for whom a criminal record check is requested.

- Employee Date of Birth
- Employee Social Security Number
- Employee Driver's License Number

Any information supplied on an ABC report is derived from a name-based search using only the identifiers submitted by the subscriber. The State of Alabama in no way guarantees that information provided through the Alabama Background Check (ABC) System is for the person named in the request. Subscribers must use extreme caution in attributing record information to a specific person. If no record is found based on the identifiers submitted, the State of Alabama in no way guarantees the person does not have a record under different identifiers. Fingerprint based searches are the most reliable way to conduct criminal record checks and the least likely to result in either a false positive or false negative search result. Persons requiring a fingerprint based criminal history search should contact the Alabama Department of Public Safety.

If the identifiers submitted match more than one person, you will be asked to provide more specific identifying information to limit the number of matches. In the event a search cannot be narrowed down to a single individual based on the identifiers provided, ACJIC personnel will further research to see if any matching records can be identified. In such cases, the subscriber will be notified that the inquiry has been flagged for further research. Subscribers will be e-mailed once a manual search has been completed.

ABC-reports contain reported felony and misdemeanor arrests, violations and court records included in databases maintained by the State of Alabama. ABC reports contain personal information from motor vehicle records included in records maintained by the State of Alabama. Personal information is information that identifies the individuals on whom the ABC report is conducted, including photograph, social security number, driver identification number, name, address, telephone number, and medical or disability information. Juvenile, youthful offender, sealed and/or expunged records will not appear on any ABC report.

Other Subscriber Certifications

By signing this agreement, the employer agrees that the data obtained from the ABC system will not be used for any unlawful purposes, including violations of state or federal employment laws or regulations. All information obtained through the ABC system is for the express use of those who have established a "right to know" as defined herein. By signing this document the employer also certifies that the information will not be shared with any external agent or entity and will not be compiled into a database, spreadsheet or other

document intended to aggregate the criminal history records of multiple individuals into a single electronic file.

The employer also agrees to indemnify and hold harmless the State of Alabama, its officers, directors and employees for any claim of damages (including attorneys' fees and expenses incurred by the State of Alabama in defending any claim for damages) resulting from information obtained through the ABC system.

The fee for each ABC report provided to a subscriber is set forth in Fee Schedule A which may be obtained from ACJIC. The same fee is charged for any report that shows that no criminal record exists within State of Alabama databases.

Employer/Subscriber Information

Contact Information

Name of Company: _____

Physical Address: _____

City: _____ State: _____ Zip: _____

Billing Address: _____

City: _____ State: _____ Zip: _____

Information for Employer Status Verification

1. Under which type of employer status do you qualify? (Check one.)

___ Non-Farm Employer

___ Household Employer

___ Agricultural Employer

___ Government Employer

Will you conduct checks through the ABC System only on individuals employed by your company/employer and/or individuals who are prospective employees of your company/employer?

(Check one) ___ Yes ___ No

2. Please provide a brief description of the type of products/services this company/employer provides.

3. Please list for us local, state or federal business and/or professional license(s) granted to this company/employer:

A. Licensing Agency, Address, City, State, Zip Code, Phone Number, License Number

B. Licensing Agency, Address, City, State, Zip Code, Phone Number, License Number

C. Licensing Agency, Address, City, State, Zip Code, Phone Number, License Number

4. Please provide the Federal Employer Identification Number (FEIN#) issued to this company/employer:

5. Please provide for us the Alabama Department of Industrial Relations # issued to this company/employer:

Contact Information for Use of ABC System

Company Contact Person:_____

Title:_____

Address:_____

Telephone:_____ E-mail:_____

Authorizing Official

By signing this agreement, I certify that the information provided to the State of Alabama is true and accurate. I also agree to the terms and conditions of use of the Alabama Background Check System and/or ABC Reports provided by ACJIC as described herein.

Authorizing Official Signature/Title:_____

Date of Signature:_____

Name/Title of Authorizing Official (Please Print or Type):

Business Address of Authorizing Official:_____

Authorizing Official Phone:_____

Authorizing Official E-mail: _____

ACJIC USE ONLY

Date Approved: _____ Date Denied: _____

ACJIC Official Authorizing/Denying Access to CHS System: _____

Author: Becki R. Goggins

Statutory Authority: Code of Ala. 1975, §41-9-594.

History: New Appendix: Filed July 25, 2006; effective August 29, 2006. **Amended:** Filed July 29, 2008; effective September 2, 2008.

265-X-2-AF Appendix F - Alabama Criminal Justice Information Center (ACJIC) Memorandum Of Agreement For Third Party Users Of The Criminal History Sales (CHS) System.

ALABAMA CRIMINAL JUSTICE INFORMATION CENTER (ACJIC)

MEMORANDUM OF AGREEMENT FOR

THIRD PARTY USERS OF THE ALABAMA BACKGROUND CHECK (ABC) SYSTEM

This "Memorandum of Agreement for Third Party Use of the Alabama Background Check (ABC) System" (Third Party Agreement) may be submitted to the Alabama Criminal Justice Information Center (ACJIC), which administers the Alabama Background Check (ABC) System, by an active ABC System Subscriber / employer

This Memorandum of Agreement must be read and signed by an authorized representative of the Subscriber (employer) and by an authorized representative of the Third-Party User entity the subscriber seeks approval to request and/or obtain ABC reports on its behalf. After a determination is made approving and/or disapproving the "Third Party User" access by the Alabama Criminal Justice Information Center, the ABC System Subscriber and the "Third Party User" will be notified of the status of this request by ACJIC.

Eligibility

Subscribers to the ABC system may request that another entity be permitted to search and/or obtain ABC reports only for employees or prospective employees who have provided the Subscriber with the "right to know" through a signed ABC System Report waiver. This practice is only allowable when the Subscriber has outsourced its personnel recruiting and screening activities to the Third Party User business entity, therefore making it necessary for that entity to access the ABC system and/or view the ABC Reports on the Subscriber's behalf.

In order to request that a "third party user" be allowed to receive ABC reports, the subscriber must have a valid ABC System subscription agreement in place with ACJIC. Additionally, the subscriber must provide ACJIC with documentation stating that the specified third party will search and/or obtain ABC Reports only on the behalf of the subscriber while conducting the Subscriber's employment recruitment and screening services.

The Subscriber must sign this agreement, must verify that the information included in this Memorandum of Agreement is accurate, and must ensure that that the original, signed Memorandum of Agreement is sent to the Alabama Criminal Justice Information Center at its current mailing address. The Subscriber must also retain a copy of this signed "Memorandum of Agreement for Third Party Use of the Alabama Background Check (ABC) System".

Third Party User Agreement

ABC System Third Party Users must provide the name of the authorized ABC System Subscriber when requesting and/or obtaining any information through the Alabama Background Check (ABC) system. Prior to conducting any search, the Third Party User must pose a copy of the waiver signed by the employee or prospective employee of the subscribing agency or entity on whose behalf the search is conducted. ABC System Waivers must be sent to ACJIC electronically in a form prescribed by ACJIC.

By signing this agreement, the Subscriber and the Third Party User both agree that the data obtained from the ABC system will **not** be used for any unlawful purposes, including violations of state or federal employment laws or regulations. The Subscriber and the Third Party User certify that all information obtained through the ABC system is for the express use of those who have established a "right to know", which is defined as having a signed waiver from the employee or prospective employee whose criminal history is being requested. **By signing this document, the Subscriber and the Third Party User also certify that the information requested and/or obtained through the ABC System will not be shared with any external agent or entity other than the subscriber agency for which the ABC System report was requested. The Subscriber and the Third Party User also certify that information obtained through the ABC system will not be compiled into a database, spreadsheet or other document intended to aggregate the criminal history records of multiple individuals into a single electronic file.**

The Subscriber and the Third Party User also agree to notify ACJIC in the event their agreement and/or relationship involving the outsourcing of the personnel recruiting and screening activities is terminated and/or no longer exists. Once a Third Party User ceases to provide personnel services for the Subscriber, the Third Part User agrees to immediately cease any attempt to access to the ABC system under username(s) and password(s) associated with the subscriber, and the Subscriber agrees to immediately contact ACJIC to terminate this Memorandum of Agreement and to request that the Third Party User's access to the ABC System on the Subscriber's behalf be terminated.

The Subscriber and the Third Party User agree to indemnify and hold harmless ACJIC, the State of Alabama, its officers, directors and employees for any claim of damages (including attorneys' fees and expenses incurred by ACJIC and/or the State of Alabama in defending any claim for damages) resulting from information obtained through the ABC system.

By signing this agreement, the Subscriber and the Third Party User both acknowledge ACJIC's right to audit queries made through the ABC system and all penalties associated with misuse of the system as described in the next section.

Audit Requirements and Penalties for Misuse of the ABC System

ACJIC retains the right to inspect (audit) the Third Party User's agreement and any and/or all of the authorizing employee/prospective employee waivers at any time during the subscription agreement or within three years of termination of service. In the event it is determined an ABC report was obtained by an third party user without a valid third party user's agreement and/or employee waiver, the receiving entity may be subject to criminal prosecution for misuse of criminal history data as defined in §41-9-601, Code of Alabama 1975.

Third party users may be required to have the audit copies of user's agreements and waivers available to ACJIC in (1) a single location to be determined by ACJIC; and (2) on a specific date or dates to be determined by ACJIC.

§41-9-601 - Obtaining, etc., of criminal offender record information under false pretenses, falsification of information, etc.

Any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses or who willfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with this article, or any member, officer, employee or agent of the ACJIC, the ACJIC or any participating agency who willfully falsifies criminal offender record information or any records relating thereto shall, for each offense, be fined not less than \$5,000.00 nor more than \$10,000.00 or imprisoned in the state penitentiary for not more than five years or both.

Additional penalties that may apply in the event criminal history information is unlawfully obtained include, but are not limited to:

§13A-8-100 - Offenses against intellectual property.

(a) Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, attempts or achieves access, communication, examination, or modification of data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.

(b) Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, destroys data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.

(c) Whoever willfully, knowingly, and without authorization or without reasonable grounds to believe that he or she has such authorization, discloses, uses, or takes data, computer programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network commits an offense against intellectual property.

(d) (1) *Except as otherwise provided in this subsection, an offense against intellectual property is a Class A misdemeanor, punishable as provided by law.*

(2) *If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, then the offender is guilty of a Class C felony, punishable as provided by law.*

(3) *If the damage to such intellectual property is greater than two thousand five hundred dollars (\$2,500), or if there is an interruption or impairment of governmental operation or public communication, transportation, or supply of water, gas, or other public or utility service, then the offender is guilty of a Class B felony, punishable as provided by law.*

(4) *Whoever willfully, knowingly, and without authorization alters or removes data causing physical injury to any person who is not involved in said act shall be guilty of a Class A felony, punishable as provided by law.*

ABC SYSTEM SUBSCRIBER CERTIFICATION AND AGREEMENT:

By signing this document, I certify that I am an authorized official of the ABC System Subscriber (employer) listed below; and that a current and active agreement and/or relationship involving the outsourcing of the personnel recruiting and screening activities exists between the ABC System Subscriber (employer) and the "Third Party User" entity listed below; and that the ABC System Subscriber (employer) I represent requests the approval of this "Third Party User" to submit and/or obtain ABC Reports under our authority and on our behalf; and that I, on the behalf of the ABC System Subscriber (employer), hereby agree to the terms and conditions contained in this "Memorandum of Agreement for Third Party Use of the Alabama Background Check (ABC) System".

Signature of Authorizing Official: _____ Date of Signature: _____

Printed Name and Title of Authorizing Official: _____

Name of ABC System Subscriber (Employer) Company: _____

Physical (Street) Address ABC System Subscriber (Employer) Company: _____

City: _____ State: _____ Zip Code: _____

Mailing Address of ABC System Subscriber (Employer) Company: _____

City: _____ State: _____ Zip Code: _____

Work Phone & Extension: _____ E-mail Address: _____

ABC SYSTEM "THIRD PARTY USER" CERTIFICATION AND AGREEMENT:

By signing this document, I certify that I am an authorized official of the "Third Party User" entity that the ABC System Subscriber (employer); and that a current and active agreement and/or relationship involving the outsourcing of the personnel recruiting and screening activities exists between my entity and the ABC System Subscriber (employer); and that the information provided below is accurate; and that I hereby agree to the terms and conditions contained in this "Memorandum of Agreement for Third Party Use of the Alabama Background Check (ABC) System."

Signature of Authorizing Official:_____ Date of Signature:_____

Printed Name and Title of Authorizing Official:_____

Name of ABC System Subscriber (Employer) Company: _____

Physical (Street) Address ABC System Subscriber (Employer) Company: _____

City: _____ State: _____ Zip Code: _____

Mailing Address of ABC System Subscriber (Employer) Company: _____

City: _____ State: _____ Zip Code: _____

Work Phone & Extension: _____ E-mail Address: _____

Author: Becki R. Goggins

Statutory Authority: Code of Ala. 1975, §41-9-594.

History: New Appendix: Filed July 25, 2006; effective August 29, 2006. **Amended:** Filed July 29, 2008; effective September 2, 2008.

265-X-2-AG

Appendix G - Alabama Criminal Justice Information
Center (ACJIC) Online Criminal History Sales
Subscriber Agreement.

ALABAMA CRIMINAL JUSTICE INFORMATION CENTER (ACJIC)

ONLINE CRIMINAL HISTORY SALES SUBSCRIBER AGREEMENT

CRITICAL INFRASTRUCTURE EMPLOYERS ONLY

Author: Becki R. Goggins

Statutory Authority: Code of Ala. 1975, §41-9-594.

History: New Appendix: Filed July 25, 2006; effective August 29, 2006. **Repealed:** Filed July 29, 2008; effective September 2, 2008.