

**ALABAMA JUSTICE INFORMATION COMMISSION
ADMINISTRATIVE CODE**

**CHAPTER 265-X-2
SECURITY AND CONFIDENTIALITY OF CRIMINAL JUSTICE INFORMATION**

**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.

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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.