

CALIFORNIA DEPARTMENT OF JUSTICE

Application for Authorization Pursuant to Penal Code Section 11105.08

(Federally Recognized Tribes/
Designated Agencies)



BUREAU OF CRIMINAL INFORMATION AND ANALYSIS

Mail completed application to:

California Department of Justice
Applicant Information and Certification Program
P.O. Box 903387
Sacramento, CA 94203-3870

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AUTHORIZATION FOR CRIMINAL HISTORY INFORMATION

In accordance with Penal Code (PC) section 11105.08, federally recognized tribes and/or agencies designated by a federally recognized tribe are authorized to request criminal offender record information (CORI) from the California Department of Justice (DOJ) for the purpose of approving a tribal home for the placement of an Indian child into foster or adoptive care, consistent with the federal Indian Child Welfare Act (25 U.S.C. 1903 et seq.). The authority to conduct a criminal background check includes individuals as prospective foster or adoptive parents, adults who reside or are employed in the home of an applicant for approval, any person who has a familial or intimate relationship with any person living in the home of an applicant, or an employee of a tribal agency who may have contact with a child.

To determine whether your organization meets the requirements to obtain state criminal history information pursuant to PC section 11105.08, please complete and return the attached application package. Incomplete packages will be returned unprocessed.

Please do not submit your fingerprints until approval has been granted.

APPLICANT LIVE SCAN OVERVIEW

Applicant Live Scan is a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response. Live Scan technology replaces the process of recording an individual's fingerprint patterns manually through a rolling process using ink and a standard 8" x 8" fingerprint card. Fingerprints are digitalized through an electronic process (Live Scan), enabling the electronic transfer of the fingerprint image data, in combination with personal descriptor information, to central computers at the DOJ. This transfer of information takes place in a matter of seconds, instead of the days required to send hardcopy fingerprint cards through the U.S. Mail. The applicant visits an Applicant Live Scan Satellite location where the fingerprint images and related data are electronically transmitted to the DOJ. The recent, rapid expansion of the number of applicant Live Scan devices has resulted in an ever-increasing volume of applicants availing themselves of Live Scan technology.

With Live Scan, the applicant is provided with a Request for Live Scan Service form (BCIA 8016). The applicant can obtain a list of nearby Live Scan Satellite locations on the Attorney General's website at: <https://oag.ca.gov/fingerprints/locations>. At these locations, trained, certified operators enter the information from the form BCIA 8016 into the Live Scan terminal and initiate the Live Scan fingerprinting process. After successful electronic capture of the fingerprint images and the accompanying data, the information is electronically transmitted to the DOJ.

Once the fingerprints and data are received by the DOJ, they are electronically processed by the DOJ Global Transaction Controller. Most Live Scan submissions that have no data or quality errors, and do not result in possible criminal history matches, are processed automatically and responded to electronically. Live Scan transmissions requiring analysis of a criminal record are electronically sent to the Applicant Response Section for analysis and dissemination. Live Scan submissions are responded to by electronic mail and/or U.S. Mail when the electronic mail response is not available.

The DOJ will also coordinate other electronic processes resulting from the automated submissions of fingerprints; including forwarding the fingerprints to the Federal Bureau of Investigation (FBI), if required, and coordinating the collection of associated fees.



REQUEST FOR TRIBE/DESIGNATED AGENCY ORI AND/OR RESPONSE MAIL CODE

In order to submit applicant fingerprints via Live Scan, you must have an Originating Agency Identifier (ORI) code to identify your tribe or agency. In order to receive responses electronically, you will be assigned a Response Mail Code. Note that electronic responses will be sent to a secure electronic mailbox from which you will retrieve your messages.

Tribe/Agency Name: _____
 Federally Recognized Tribe or Designated Agency

Mailing Address: _____

City, State, ZIP Code: _____

Contact Person Name: _____ Phone Number: _____

E-mail Address: _____

Please describe the services your organization provides and the reason criminal record background checks will be conducted pursuant to Penal Code section 11105.08 in the box below.

- We request that all responses be sent electronically to the same secure mailbox.
- We request separate secure mailbox(es) for the following application type(s):
 - Tribal Home
 - Tribal Welfare Agency

ORI's and Response Mail Code number(s) will be assigned by the DOJ and the information returned to you on the Notification of ORI, Mail Code, and/or Billing Number form (BCIA 9003TC).

GUIDELINES FOR COMPLETING FORM BCIA 9001TC

FIELD	INSTRUCTIONS
Federally Recognized Tribe	Enter the name of federally recognized tribe.
Designated Agency	Enter the name of the designated agency if the application is other than a federally recognized tribe.
Contact Person Name	Enter the name of the person within your tribe/ designated agency that DOJ can contact if any questions arise.
Phone Number	Enter the contact person's phone number.
E-mail Address	Enter the contact person's e-mail address.
Same Secure Mailbox	Check this box if ALL BACKGROUND CHECK RESPONSES will be sent to the same secure electronic response mailbox.
Designate More Than One Electronic Response	If responses in your tribe/designated agency are designated to different locations based on the application type, and you want a separate secure electronic response mailbox for any or all of your applicant types, check the appropriate box(es).



NOTIFICATION OF ORI, MAIL CODE, AND/OR BILLING NUMBER

Tribe/Designated Agency - Please provide a complete address in the space below. This form will be returned to you with your ORI, Mail Code, and/or Billing Number information. **Complete this section only.**

Tribe/Agency Name: _____
 Federally Recognized Tribe or Designated Agency

Mailing Address: _____

City, State, ZIP Code: _____

DOJ Use Only

Listed below are the ORI, Mail Code, and/or Billing Number assigned to your agency for applicant responses.

ORI: _____

Mail Code: _____

Billing Number: _____

If separate response locations were requested, assigned codes are as follows:

Type	ORI	Mail Code
Tribal Home		
Tribal Welfare Agency		

The following are the **ONLY** applicant types with the California Justice Information Services (CJIS) codes your agency is authorized to submit to the DOJ for background check purposes. The CJIS code is for internal use only and is not utilized on the Request for Live Scan Service form (BCIA 8016).

	Applicant Type	CJIS Code
1		
2		
3		
4		
5		
6		
7		
8		

Should your address or tribe/agency information change in the future, you must notify the DOJ immediately. Please visit the DOJ's website to obtain the Applicant Submitting Agency Request to Change form (BCIA 8386).

APPLICANT LIVE SCAN BILLING PROCEDURES

***** A Tribe/Designated Agency is not required to complete the Billing Account Application form (CJIS 9000) if applicants will be paying the DOJ fees at the Live Scan Satellite Location *****

The following procedures are for the billing and collection of applicant fingerprint fees. The first requirement in the Applicant Live Scan Billing process is to provide the DOJ with billing authorization to allow fee collection for services provided. All tribes/designated agencies who wish to be billed for submitting fingerprints via Live Scan must complete a Billing Account Application form (CJIS 9000).

The submission of the form CJIS 9000 will result in the assignment of a unique customer billing number **that must be entered by the Live Scan operator on all Live Scan transmissions** so the tribe/designated agency can be billed. If your tribe/designated agency already has a customer billing number for the processing of manual fingerprint cards, the same customer billing number may be used for applicant Live Scan.

At the Live Scan Satellite Location, the operator must put a customer billing number on every applicant Live Scan transaction. The customer billing number will be either the billing number for the Live Scan Satellite Location or the tribe/designated agency to be determined as follows:

- If the Live Scan Satellite Location collects cash, credit, or a check on behalf of the DOJ for payment of the DOJ and/or federal services, the Live Scan Satellite Location is the tribe/designated agency that will be billed. The Live Scan operator will enter the customer billing number of the Live Scan Satellite Location in the fingerprint transmission.
- If the Live Scan Satellite Location does not collect payment, then the tribe/designated agency will be the agency billed. In this case, the Live Scan operator will enter the tribe/designated agency's customer billing number on the fingerprint transmission. This number must be listed in the Contributing Agency Section (in the area title "BIL") of the Request for Live Scan Service form (BCIA 8016), which is provided to the Live Scan operator by the applicant.

The DOJ Accounting Office will generate invoices based on the Live Scan transmission information 30 days in arrears. Based on the monthly billing cycle, each tribe/designated agency will be billed for transmissions occurring between the first day and the last day of the prior month. A tribe/designated agency will generally receive invoices within the first 15 working days of the month.

Payment to the DOJ is due upon receipt of the invoice. If there are discrepancies, please complete the Credit Request - Applicant Live Scan Fingerprint Billing form (BCII 9006) and fax to the Billing Unit (BU) at (916) 227-1149, listing the applicant(s) in dispute. The form BCII 9006 is available on the Attorney General's website at <http://ag.ca.gov/fingerprints/forms/BCII%209006.pdf>. Please pay promptly for those charges with which you agree, and short pay the invoice by the amount of charges in dispute. The BU will notify the tribe/designated agency if it denies the credit request.

APPLICANT LIVE SCAN BILLING PROCEDURES (continued)

PLEASE NOTE: If a tribe/designated agency does not submit a credit request, the tribe/designated agency will be held liable for the outstanding charges. Failure to remit payment in a timely manner may result in the tribe/designated agency being sent to collections and having its customer billing number disabled. The DOJ will not accept credit requests received three or more years after final payment of an invoice. Credit and rebill information will appear at the bottom of the monthly billing detail report the month following a credit request.

The tribe/designated agency will be responsible for payment if the fields on the Request for Live Scan Service form (BCIA 8016) are not completed correctly. Therefore, it is extremely important that the tribe/designated agency follow the form BCIA 8016 Instructions available on the Attorney General's website at <https://oag.ca.gov/fingerprints/forms>.

If you already have an ORI number, call (916) 227-3870 for a customer billing number. The monthly billing detail report will consist of the applicant's name, fingerprint date, and total fingerprint fees billed.

Please call the BU at (916) 227-3870 for any of the following:

- 1) Establish a customer billing number - if the ORI and electronic response codes have already been established.
- 2) Update billing contact information.
- 3) Resolve Live Scan billing discrepancies.



BILLING ACCOUNT APPLICATION

Business/Agency Type:

- | | | |
|--|---|---|
| <input type="checkbox"/> School District | <input type="checkbox"/> Private School | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Sole Proprietorship/Partnership | <input type="checkbox"/> Non-Profit Organization | <input type="checkbox"/> Local Government |
| <input type="checkbox"/> Federal Government | <input type="checkbox"/> State Government
(Fund Code Required) _____ | <input type="checkbox"/> Federally-Recognized Tribe or Designee |

ALL APPLICABLE INFORMATION MUST BE COMPLETED LEGIBLY. INCOMPLETE APPLICATIONS WILL BE RETURNED.

Business/Agency Name: _____

Business/Agency Address: _____

City: _____ State: _____ ZIP Code: _____

Federal Tax Identification Number*: _____

Social Security Number (Sole Proprietorship or Partnership)*: _____

*EITHER a Federal Tax Identification Number OR Social Security Number must be provided.

Authorized Representative: _____

Phone Number: _____ Fax Number: _____

E-mail Address: _____

I, the undersigned, have the authority to conduct business for the business/agency listed above. I confirm that all the information on this application is true and correct. I give my permission to the Department of Justice (DOJ) to research and confirm all information provided and to request a credit report at any time. I understand this is an agreement to pay the processing fees associated with the electronic transmission of state and/or federal criminal offender record information requests, including fees incurred by duplicate transmissions or other errors on the part of the above business/agency or its representative(s). Failure to remit payment in a timely manner may result in the DOJ utilizing all information provided on this billing account application for collection purposes; in addition, the DOJ may disable my customer billing number. I agree to the terms of this agreement and understand it will remain in effect until written cancellation is provided by either party with 30 day notice.

Signature

Printed Name

Title

Date

DOJ Use Only

Input By: _____ Account #: _____ Received Date: _____

Input Date: _____ ORI #: _____ ACN #: _____



BILLING ACCOUNT APPLICATION

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The California Justice Information Services Division's Operations Support Program (OSP) in the California Department of Justice collects the information requested on this form as authorized by Penal Code section 11105. OSP uses this information to create a Billing Account for the collection of fees for services rendered. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The California Department of Justice's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided:

- Name
- Federal Tax Identification Number or Social Security Number
- Phone Number
- E-mail address

This form may not be processed for failure to provide all personal information requested.

Access to Your Information. You may review the records maintained by OSP in the California Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to collect fees for services rendered, we may need to share the information you give us with collection agencies should your account become delinquent.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information. For questions about this notice or access to your records, you may contact OSP by phone at (916) 227-3870, by e-mail at DOJ.AppBill@doj.ca.gov, or via mail at:

California Department of Justice
Operations Support Program, D-214
4949 Broadway
Sacramento, CA 95820
Attn: Electronic Billing Section



APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

SECURITY OF CRIMINAL OFFENDER RECORD INFORMATION

Criminal Offender Record Information (CORI) is information identified through fingerprint submission to the California Department of Justice (DOJ) with a criminal record or "No Record." It is confidential information disseminated to applicant agencies authorized by California statute for the purposes of employment, licensing, certification, and volunteer clearances. The following information describes each agency's responsibility toward accessing, storage, handling, dissemination, and destruction of CORI.

Background

Penal Code (PC) sections 11105 and 13300 identify who may have access to criminal history information and under what circumstances it may be released.

The DOJ maintains the California Law Enforcement Telecommunications System (CLETS) that provides law enforcement agencies with information directly from federal, state, and local computerized information files. However, restrictions have been placed on the user to ensure that the rights of all citizens of California are properly protected.

California Constitution Article 1, section 1 grants California citizens an absolute right to privacy. Individuals or agencies violating these privacy rights place themselves at both criminal and civil liability. Laws governing Californians' right-to-privacy were created to curb, among other things, the excessive collection and retention of personal information by government agencies, the improper use of information properly obtained for a proper purpose, and lack of a reasonable check on the accuracy of existing records (*White v. Davis (1975) 13 Cal. 3d 757,775*).

Employment Background Checks

It is only through the submission of fingerprints to the DOJ that the true identity of an individual can be established. In a 1977 lawsuit (*Central Valley v. Younger*), the court ruled that only arrest entries resulting in conviction, and arrest entries that indicate active prosecution, may be provided for evaluation for employment, licensing, or certification purposes.

Exceptions

Some statutory provisions, such as those relating to youth organizations, schools, and financial institutions, further limit information dissemination to conviction for specific offenses. Records provided for criminal justice agency employment as defined in PC section 13101 are exempt from these limitations. In addition, arrest information for certain narcotic and sex crimes, irrespective of disposition, will be provided for employment with a human resource agency as defined in Health and Safety Code section 1250. Other exceptions are listed in the CLETS Policies, Practices, and Procedures (section 1.6.1).



APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

Unauthorized Access and Misuse

The unauthorized access and misuse of CORI may affect an individual's civil rights. Additionally, any person intentionally disclosing information obtained from personal or confidential records maintained by a state agency, or from records within a system of records maintained by a governmental agency, violates various California statutes. There are several code sections that provide penalties for misuse or unauthorized use of CORI.

Authorized Access

CORI shall be accessible only to the Records Custodian and/or hiring authority, charged with determining the suitability for employment or licensing of an applicant. The information received shall be used by the requesting agency solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employment or licensing agency.

The retention and sharing of information between employing and licensing agencies are strictly prohibited. Retention and sharing of information infringes upon the right of privacy as defined in the California Constitution, and fails to meet the compelling state interest defined in *Loder v. Municipal Court (1976) 17 Cal. 3d859*. In addition, maintenance of CORI, separate from the information maintained by the DOJ, precludes subsequent record updates and makes it impossible for the DOJ to control dissemination of CORI as outlined in PC section 11105.

CLETS Policies, Practices, and Procedures state that any information transmitted or received via CLETS is confidential and for official use only by authorized personnel (section 1.6.4). The California Code of Regulations, Article 1, section 703, addresses the "right and need" to know CLETS-provided information.

The Bureau of Criminal Information and Analysis (BCIA) recommends that state summary criminal history records, obtained for employment, licensing, or certification purposes, be destroyed once a decision is made to employ, license, or certify the subject of the record. Agencies that either are mandated or permitted by California statute to receive subsequent arrest notifications pursuant to PC section 11105.2 must complete a Contract for Subsequent Arrest Notification Service form (BCIA 8049).

Retention of criminal history records beyond this time should be based on documented legal authority and need. Any records retained must be stored in a secured, confidential file. The agency should designate a specific person responsible for the confidentiality of the record and have procedures to prevent further dissemination of the record, unless such dissemination is specifically provided for by law or regulation.

As an agency receiving background clearance information in response to the submission of applicant fingerprint cards to the DOJ, you are aware of the regulations regarding the security of the hardcopy information that you currently receive. The purpose of this Subscriber Agreement is to restate existing regulations and clarify how they apply to the electronic receipt of this same information via fax or e-mail. There are no new regulations. Items 1, 2, 4, 5, and 7 restate existing regulations relative to receiving hardcopy information. Item 2 has been expanded to include electronic information. Items 3 and 6 are intended to clarify these regulations relative to electronic information.



APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

In accordance with PC section 11077, the Attorney General is responsible for the security of CORI. California Code of Regulations section 707(a) requires that **"Automated systems handling criminal offender record information and the information derived therefrom shall be secure from unauthorized access, alteration, deletion, or release. The computer terminals shall be located in secure premises."**

SUBSCRIBER AGREEMENT

This agreement is between the: _____
(Tribe or Designated Agency)

and the DOJ for the purposes of the exchange of CORI.

The above agrees that:

1. CORI and the information derived therefrom shall be accessible only to the records custodian, and/or hiring authority, charged with determining the suitability of the applicant.
2. Confidential information received electronically, or via U.S. Mail, shall be used solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employment or licensing agency.
3. Retention of CORI is permissible if, after making its initial employment, licensing, or certification decision, the agency has a legitimate business need for the information and there are no statutory requirements to destroy such information. Any record information that is retained by the applicant agency must be stored in a secure and confidential file.
4. Criminal history background checks have been completed on all individuals with access or proximity to terminals or fax machines receiving CORI.
5. Staff with access to CORI have received training and counseling on the handling of CORI and have signed employment statement forms acknowledging and understanding of the criminal penalties for the misuse of CORI (PC sections 502, 11142, and 11143).
6. Reasonable measures shall be taken to locate terminals and fax machines in a secure area to provide protection from unauthorized access to CORI by other than authorized personnel. Access is defined as the ability to view CORI on a terminal or on paper.
7. Pursuant to California Code of Regulations section 702, authorized agencies violating this agreement may lose direct access to CORI maintained by the DOJ.



APPLICANT FINGERPRINT RESPONSE SUBSCRIBER AGREEMENT

Tribe/Agency Name: _____

Federally Recognized Tribe or Designated Agency

Mailing Address: _____

City, State, ZIP Code: _____

Phone Number: _____

Signature of Tribe or Agency Official: _____

Printed Name of Tribe or Agency Official: _____

Title of Tribe or Agency Official: _____

Date: _____

CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY
Use of Applicant CORI (Agency Head)

PLEASE NOTE: THIS DOCUMENT IS REQUIRED AND MUST BE SIGNED AND DATED BY THE HEAD OF THE TRIBE/DESIGNATED AGENCY.

This policy has been developed to meet the requirements of the DOJ, California Justice Information Services Division, for any tribe/designated agency that receives CORI. To ensure the suitability of individuals accessing confidential criminal history records, anyone with access to CORI shall be fingerprinted and processed through the DOJ. The overall responsibility for the administration of this rests with the tribe/designated agency head or person in charge.

- A. Record Security: Any questions regarding the release, security, and privacy of CORI are to be resolved by the tribe/designated agency head or person in charge.

- B. Record Destruction: It is recommended that the state summary of CORI obtained for employment, licensing, or certification purposes be destroyed once a decision is made to employ, license, or certify the subject of the record. Retention beyond this time should be based on legitimate business need or statute.

- C. Record Dissemination: CORI shall be used only for the purpose for which it was requested.

- D. Record Storage: CORI shall be securely maintained and accessible only to the tribe/designated agency head and any others designated by the tribe/designated agency head committed to protect CORI from unauthorized access, use, or disclosure.

- E. Record Reproduction: CORI shall not be reproduced for secondary dissemination to any other tribe/designated agency. However, the requesting tribe/designated agency may provide a copy of the DOJ applicant response to the subject of the record.

PLEASE NOTE: PURSUANT TO PC SECTION 11105(T), THE TRIBE/DESIGNATED AGENCY MUST FURNISH A COPY OF THE INFORMATION TO THE PERSON TO WHOM THE INFORMATION RELATES IF THE INFORMATION IS A BASIS FOR AN ADVERSE DECISION.

CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY (continued)
Use of Applicant CORI (Agency Head)

- F. Training - The tribe/designated agency head shall:
1. Understand and enforce this policy.
 2. Have on file a signed copy of the attached Employee Statement form (which itself is a part of this policy), which acknowledges an understanding of laws prohibiting misuse of CORI.
- G. Penalties: Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the DOJ.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REQUIREMENTS.

Information below must match information listed under "Agency/Organization Information" on the Custodian of Records Application for Confirmation form (BCIA 8374).

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Tribe/Agency Name: _____
 Federally Recognized Tribe or Designated Agency

Mailing Address:

Street Address or PO Box: _____

City, State, ZIP Code: _____

Physical Address:

Street Address: _____

City, State, ZIP Code: _____

CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY
Use of Applicant CORI (Custodian of Records)

PLEASE NOTE: THIS DOCUMENT IS REQUIRED. IT MUST BE DATED AND SIGNED BY THE CUSTODIAN OF RECORDS (COR) FOR THE TRIBE/DESIGNATED AGENCY.

1. The information provided by the DOJ to this tribe/designated agency is confidential and shall not be disseminated to any other person or tribe/designated agency not authorized by law. A violation of this section is a misdemeanor (PC section 11142). However, the requesting agency may provide a copy of the DOJ applicant response to the subject of the record.
2. All personnel/individuals with access to CORI will have a fingerprint background clearance record check completed through the DOJ as required by the California Code of Regulations (CCR) section 703(d) prior to the submission of fingerprints for employment, licensing, certification, or volunteer purpose (\$32 processing fee).
3. All personnel/individuals with access to CORI will have a signed Employee Statement form on file acknowledging an understanding of laws prohibiting its misuse.
4. All personnel/individuals with access to CORI will be trained in the secure handling, storage, dissemination, and destruction of CORI.
5. The tribe/designated agency will have a written policy for securing access, storage, dissemination, and destruction of CORI. This policy will include the steps to be taken to prevent unauthorized access to CORI maintained in our tribe/designated agency files (see CORI Policy).
6. The DOJ may conduct audits of the authorized persons or agencies using CORI to ensure compliance with state laws and regulations (CCR section 702[c]).
7. The information provided by the DOJ will be maintained in a secured area/locked cabinet separate from the employees' personnel file and be used only for the purpose for which it was acquired.
8. The tribe/designated agency will notify the DOJ with regard to any change of tribe/designated agency name, address, phone number, fax number, COR, and contact person.
9. The No Longer Interested (NLI) Notification form (BCIA 8302) will be sent to the DOJ when applicable.

(continued)

CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY (continued)
Use of Applicant CORI (Custodian of Records)

10. The tribe/designated agency will send an updated Applicant Fingerprint Response Subscriber Agreement form (BCIA 9005TC) to the DOJ signed by our new agency official when applicable

**ON BEHALF OF THE TRIBE/DESIGNATED AGENCY, I HEREBY ACKNOWLEDGE THAT I
HAVE READ AND AGREE TO THE ABOVE.**

Information below must match information listed under "Applicant Information" on the
Custodian of Records Application for Confirmation form (BCIA 8374).

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Tribe/Agency Name: _____

Federally Recognized Tribe or Designated Agency

Mailing Address:

Street Address or PO Box: _____

City, State, ZIP Code: _____

Physical Address:

Street Address: _____

City, State, ZIP Code: _____

**AUTHORIZATION FOR CUSTODIAN OF RECORDS INFORMATION
IMPORTANT - PLEASE READ THE FOLLOWING CAREFULLY**

Pursuant to PC section 11102.2(b), the DOJ established a confirmation program to process fingerprint-based background responses on individuals designated by applicant agencies to serve as COR. Effective January 1, 2011, no person shall serve as a tribe/designated agency COR unless they have been confirmed by the DOJ. Criminal justice agency personnel who have undergone a state and federal criminal record background check for their tribe/designated agency (currently employed) are exempt from these requirements. As such, before any applicant agency can become fully authorized by the DOJ, the DOJ must first confirm/approve the tribe/designated agency's selected COR.

A COR means the individual designated by an agency is responsible for the hiring decisions, and for the security, storage, dissemination, and destruction of the criminal records furnished to the agency, and who serves as the primary contact for the DOJ for any related issues. Each agency must designate at least one COR.

Applicants applying for COR confirmation must meet the following criteria:

1. Be at least 18 years old.
2. Complete and submit the Custodian of Records Application for Confirmation form (BCIA 8374).

The confirmation process will consist of a completed form BCIA 8374, which is included in this packet and must be returned along with all required documents. When you are notified by the DOJ to proceed with the COR confirmation process, the COR must submit fingerprint images to the DOJ via Live Scan and pay the \$49 state/federal background check fees along with a \$30 confirmation fee (a total of \$79 in fees will be collected at the Live Scan Satellite Location). Submitting your COR fingerprint images before your tribe/designated agency is officially authorized to request CORI will result in fees being assessed, which will not be refunded if your tribe/designated agency is not yet authorized to request the CORI.

Confirmation will be denied or revoked for those applicants convicted of a felony offense or any other offense that involves moral turpitude, dishonesty, fraud, or that impacts the applicant's ability to perform the duties or responsibilities of a COR. The DOJ will retain the fingerprints for subsequent arrest notification pursuant to PC section 11105.2. COR confirmation, denial, or revocation letters will be mailed by the DOJ to the identified tribe/designated agency, as entered on the application by the COR applicant.

PLEASE NOTE: DO NOT SUBMIT COR FINGERPRINT IMAGES UNTIL YOU HAVE RECEIVED CONFIRMATION FROM THE DOJ THAT YOUR AGENCY IS AUTHORIZED.

Questions about this process can be submitted to authorizationquestions@doj.ca.gov.



CUSTODIAN OF RECORDS APPLICATION FOR CONFIRMATION (Penal Code section 11102.2)

Applicant Information				
Last Name:	First Name:	Middle Name:		
Address:	City:	State:	Zip Code:	
Phone Number:	Date of Birth:	Driver's License/CA ID Number:	Email:	

Agency/Organization Information			
Agency Head:			Phone Number:
Agency Name:		ORI:	Mail Code:
Address:	City:	State:	Zip Code:

Please answer fully the following questions:
1. Does the designated Custodian of Records work for the applicant agency? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the relationship? If no, what is the relationship?
2. Have you ever used a name other than the one on this application? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please list other names below:
3. Have you ever been arrested in California or any other state and/or are you awaiting adjudication for any offense for which you were arrested? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details below:
4. Have you ever been convicted by any court of a felony or misdemeanor offense in California or any other state? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, disclose the date and place of arrest, whether the conviction was for a felony or misdemeanor, and the sentence imposed:
5. Have you ever been denied a professional license or had such license revoked, suspended, or restricted? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details below:
6. Have you ever been adjudged liable for damages in any suit grounded in fraud, misrepresentation, or in violation of state regulatory laws? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details below:
7. Have you ever failed to satisfy any court ordered money judgment including restitution? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details below:

**Misrepresentation or Failure to Disclose Requested Information on this Application
Is Cause for Denial or Revocation of Confirmation.**

Certification	
I certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements, answers, and representations made in the foregoing application, including all supplementary statements.	
_____ Signature of Applicant	_____ Date

California Department of Justice Bureau of Criminal Information and Analysis Custodian of Records Unit P.O. Box 903417 Sacramento, CA 94203-4170	<div style="text-align: center;">DOJ USE ONLY</div> Confirmation of Custodian of Records Date confirmed: _____ Completed by: _____ <div style="text-align: right;">(initials)</div>
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CUSTODIAN OF RECORDS APPLICATION FOR CONFIRMATION (Penal Code section 11102.2)

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The California Justice Information Services (CJIS) Division in the Department of Justice collects the information requested on this form as authorized by Penal Code section 11102.2(d). The CJIS Division uses this information for the purpose of processing fingerprint-based criminal offender record information background responses on individuals designated by applicant agencies to serve as Custodian of Records. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at: <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided.

Access to Your Information. You may review the records maintained by the CJIS Division in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process fingerprint-based criminal offender record information background responses on individuals designated by applicant agencies to serve as Custodian of Records, we may need to share the information you give us with other law enforcement or regulatory agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information. For questions about this notice or access to your records, you may contact the Custodian of Records Program Analyst by phone at (916) 210-5468, by e-mail at COR@doj.ca.gov, or via mail at:

California Department of Justice
Bureau of Criminal Information and Analysis
Custodian of Records Unit
P.O. Box 903417
Sacramento, CA 94203-4170

**CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY
Use of Applicant CORI (Employee Statement)**

All personnel with CORI access must sign this form which is kept by the COR.

As an Employee/Volunteer of: _____

Tribe/Agency Name: _____

Federally Recognized Tribe or Designated Agency

You may have access to confidential CORI which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. PC section 502 prescribes the penalties relating to computer crimes. PC sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. PC sections 11140–11144 and 13301–13305 prescribe penalties for misuse of criminal history information. Government Code section 6200 prescribes felony penalties for misuse of public records. PC sections 11142 and 13300 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive a record or information is guilty of a misdemeanor.

Civil Code section 1798.53, Invasion of Privacy, states:

Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual.

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- PC section 11141: DOJ furnishing to unauthorized person (misdemeanor)
- PC section 11142: Authorized person furnishing to other (misdemeanor)
- PC section 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18, USC, sections 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

CRIMINAL OFFENDER RECORD INFORMATION (CORI) POLICY (continued)
Use of Applicant CORI (Employee Statement)

**I HAVE READ AND UNDERSTAND THE POLICY REGARDING MISUSES OF
CRIMINAL RECORD INFORMATION**

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Tribe/Agency Name: _____
 Federally Recognized Tribe or Designated Agency

Mailing Address:

Street Address or PO Box: _____

City, State, ZIP Code: _____

Physical Address:

Street Address: _____

City, State, ZIP Code: _____

PLEASE NOTE: Do not return this form to the DOJ. Your COR should maintain the forms.



CONTRACT FOR SUBSEQUENT ARREST NOTIFICATION SERVICE

California Department of Justice (DOJ)
Bureau of Criminal Information and Analysis
P.O. Box 903417
Sacramento, CA 94203-4170

The agency listed below is authorized to receive state summary criminal history information from the DOJ for tribal foster/adoptive home approval. This agency further requests that fingerprint transactions submitted for this purpose be retained in DOJ's files for **California only** subsequent arrest notification service pursuant to California Penal Code (PC) section 11105.2. **Fingerprint submissions received before the effective date of this contract will not be retained by the DOJ.**

Tribe/Agency Name: _____
 Federally Recognized Tribe or Designated Agency

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

ORI Number: (If Applicable) _____

Contact Person(s): _____

Contact Person(s) Telephone: _____

Please retain the following authorized categories:

- All Tribal Home
- All Tribal Welfare Agency

This agency certifies that, to its knowledge, there is no statute or regulation prohibiting this notification and that all requirements for criminal record security and privacy of individuals will be met. This agency will notify the Bureau of Criminal Information and Analysis when it no longer has a legitimate interest in a subject, as required by PC section 11105.2. The agency agrees to immediately return any subsequent arrest notification received from the DOJ for any person unknown to the agency.

Signature of Agency Representative Date

Print Name

Title of Agency Representative

FOR DOJ USE ONLY:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Not Authorized
_____ Signature of DOJ Representative	
_____ Effective Date	

NO LONGER INTERESTED NOTIFICATION

PC section 11105.2(d) states, in part, that any agency which submits the fingerprints of applicants for employment or approval to the DOJ for the purpose of establishing a record of the applicant to receive notification of subsequent arrests, shall immediately notify the DOJ when employment is terminated or the applicant is not hired.

PLEASE NOTE: It is the responsibility of the hiring/approving authority to notify the DOJ's Bureau of Criminal Information and Analysis when employment has been terminated or when an applicant or volunteer is not actually retained in the position for which they applied.