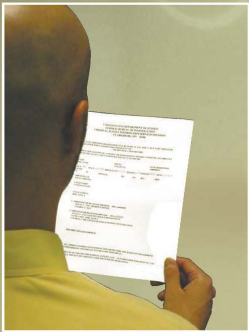




How to Challenge and How to Obtain Your FBI Identity History Summary

What is an FBI Identity History Summary?



An FBI Identity History Summary, often referred to as a “rap sheet,” is a listing of certain information taken from fingerprint submissions kept by the FBI. The information is related to arrests, and in some instances, the information is related to federal employment, naturalization, or military service. If the fingerprint submissions are related to an arrest, the Identity History Summary includes the name of the agency that submitted the fingerprints to the FBI,

the date of the arrest, the arrest charge, and the disposition of the arrest, if known. All arrest information included in an Identity History Summary is obtained from fingerprint submissions, disposition reports, and other information submitted by authorized criminal justice agencies.

How do I challenge my FBI Identity History Summary?

If you believe your Identity History Summary contains inaccurate or incomplete information, you may request a change or correction by contacting the agency or agencies that originally submitted the information to the FBI. However, most states require that changes to Identity History Summary information be processed through their respective state centralized agency (State Identification Bureau). You may contact the respective State Identification Bureau for assistance, and, if applicable, request they provide the FBI with updates to your Identity History Summary. For the State Identification Bureau listing, refer to: www.fbi.gov/checks.

You may also send an electronic or written challenge request to the FBI’s CJIS Division. Your written request should clearly identify the information that you feel is inaccurate or incomplete and should include copies of any available proof or supporting documentation that validates your claim. For example, if your disposition information is incorrect or missing,

you may submit documentation obtained from the court having control over the arrest or the office prosecuting the offense. The FBI will contact the appropriate agencies in an attempt to verify or correct challenged entries for you. Upon receipt of an official communication from the agency with control over the data, the FBI will make appropriate changes and notify you of the outcome. Updating your FBI Identity History Summary can include having final disposition data entered, cases expunged, pardons entered, a conviction level changed, or rights restored. Once you have been notified of the outcome of your challenge, you may choose to obtain a copy of your Identity History Summary. Please see “How do I obtain a copy of my FBI Identity History Summary for personal review” in this brochure.

The FBI offers two options for submitting an Identity History Summary Challenge to the FBI:

Option 1: Electronically submit your challenge request:

- 1) Go to <https://www.edo.cjis.gov>.
- 2) Follow the steps under the “Challenging Your Identity History Summary” section.

Option 2: Submit a written request directly to the FBI:

FBI CJIS Division
Attn: Criminal History Analysis Team I
1000 Custer Hollow Road
Clarksburg, WV 26306

Summary Challenges are processed in the date order received.

How do I obtain a copy of my FBI Identity History Summary for personal review?

If you would like a copy of your Identity History Summary, you may submit a request to the FBI. The FBI offers three options for requesting your summary or proof that a summary does not exist.

Option 1: Electronically submit your request:

- 1) Go to <https://www.edo.cjis.gov>.
- 2) Follow the steps under the “Obtaining Your Identity History Summary” section.



Option 2: Submit your request directly to the FBI:

**FBI CJIS Division - Summary Request
1000 Custer Hollow Road
Clarksburg, WV 26306**

You are required to provide the following:

- 1) A completed Applicant Information Form.
- 2) Payment for the \$18 processing fee, either by certified check or money order made payable to the Treasury of the United States, or by a credit card. For credit card payment form and information, refer to: www.fbi.gov/checks.
- 3) A current fingerprint card bearing your name and date of birth. You must include rolled impressions of all 10 fingerprints and impressions of all 10 fingerprints taken at the same time (these are sometimes referred to as plain or flat impressions). If possible, have your fingerprints taken by a fingerprinting technician. Previously processed cards or copies will not be accepted.

Option 3: Submit through an FBI-approved Channeler, which is a private business that has contracted with the FBI to submit your request on your behalf. The Channeler will then receive the electronic summary check results for dissemination to the individual. For a listing of FBI-approved Channelers, refer to: www.fbi.gov/checks.

Due to provisions within the Privacy Act of 1974, the FBI cannot provide Identity History Summary information via the telephone or facsimile.

What will I receive?

If we do not find an Identity History Summary on file, you will receive a response indicating that you have no prior arrest data on file at the FBI. If you do have an Identity History Summary on file, you will receive your Identity History Summary or "rap sheet."

If you submitted a request electronically directly to the FBI, you will receive a response electronically and an option for a response by First-Class Mail via the U.S. Postal Service.

If you submitted a request through the mail directly to the FBI, you will receive a response by First-Class Mail via the U.S. Postal Service.

Frequently Asked Questions

What is the processing time?

The FBI processes requests as quickly as possible; however, please allow several weeks for processing. The processing time will be less if your request is submitted electronically. Requests submitted to the FBI are processed in the date order they are received. You may obtain an estimate of the current processing time on our website; refer to www.fbi.gov/checks.

Can the FBI send the results to someone (or an agency) other than myself?

Under the U.S. Department of Justice Order 556-73, the results will be returned to the requestor or his/her designated representative. A signed release to return the results to the representative must accompany such a request.

Where can I get my fingerprints taken?

Local, county, or state law enforcement agencies may take your fingerprints for a fee. Also, some private companies offer this service. Check the business listings in your telephone book or search online. If using the Channeler option, please contact the FBI-approved Channeler for additional information.

Why was I told there was a problem with my Identity History Summary when I received a letter indicating that a search of the fingerprints I provided revealed no prior arrest data at the FBI?

There are several instances in which this might occur, such as:

- 1) Removal of arrest information may have been authorized since you were advised of the summary problem.
- 2) A previous search was conducted with a name and physical description only, and the descriptive data you provided matched or was very similar to that contained in another individual's summary. Positive identifications are made by fingerprint comparisons.
- 3) The arresting agency may not have supplied the information to the FBI. You will need to contact the state repository of the state in which the arrest occurred.

For additional information concerning an FBI Identity History Summary request and for recent updates to the procedures outlined in this brochure, please refer to:

www.fbi.gov/checks

Additional Concerns

Firearm Background Checks

The Criminal History Analysis Team I cannot access the National Instant Criminal Background Check System (NICS) information or comment on firearm-related issues. The NICS Customer Service can be reached at (877) 324-6427 for firearm issues only or visit their website at:

www.fbi.gov/nics

Licensing and Employment Background Checks

Certain background checks for licensing and employment must be conducted through specific state and federal channeling agencies. Contact the agency requiring the background check for correct procedures.



NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification¹ that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.²
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.³

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.⁴

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

¹ Written notification includes electronic notification, but excludes oral notification.

² <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 28 CFR 50.12(b).

⁴ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

AGENCY PRIVACY REQUIREMENTS FOR NONCRIMINAL JUSTICE APPLICANTS

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as employment or a license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28, Code of Federal Regulations (CFR), Section 50.12, among other authorities.

- Officials must provide to the applicant written notification¹ that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials must ensure that an applicant receives, and acknowledges receipt of, an adequate Privacy Act Statement when the applicant submits his/her fingerprints and associated personal information.²
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the employment, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or update of an FBI criminal history record are set forth at 28 CFR 16.34.
- Officials should not deny the employment, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.³

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

¹ Written notification includes electronic notification, but excludes oral notification.

² See <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).