

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections:

Amend sections: 991.2

Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

California Code of Regulations, Title 1,
Section 100

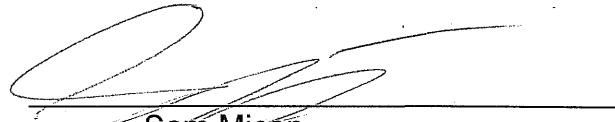
OAL Matter Number: 2024-1127-04

OAL Matter Type: Nonsubstantive (N)

In this non-substantive action, the Department of Justice (DOJ) amends its Check Casher Permit Program regulations to allow individuals requesting live scan service to label their gender as "Nonbinary" on the request form. This increases the available options from just "Male" and "Female".

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: January 9, 2025



Sam Micon
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Rob Bonta, Attorney General

Copy: Marlon Martinez

CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW

DIVISION 1. ATTORNEY GENERAL

**CHAPTER 13.5. DEPARTMENT OF JUSTICE REGULATIONS FOR THE
CHECK CASHER PERMIT PROGRAM**

TEXT OF PROPOSED REGULATIONS

The original text published in the California Code of Regulations has no underline. Changes are illustrated by single blue underline for proposed additions and ~~single red strikethrough~~ for proposed deletions.

Article 2. Application for Permits and Renewals

§ 991.2. Fingerprints Required.

(a) Every initial or first-time application for a permit shall be accompanied by a completed Request for Live Scan Service (BCIA 8016CCPP, ~~Orig. 09/2022~~Rev. 10/2024), hereby incorporated by reference, and electronic fingerprint images for each individual who has an ownership interest in the business. For the purpose of this section, individuals who have an ownership interest in the business include sole proprietors, co-owner spouses, partners, principal corporate officers, and persons owning or controlling, directly or indirectly, 10 percent or more of the outstanding equity securities of a corporation.

(b) Alternatively, if an applicant is unavailable to be fingerprinted via Live Scan within the State of California, the applicant shall submit a completed 10-print fingerprint card, Applicant Fingerprint Form (FD-258, Rev. 11-1-20) 1110-0046, hereby incorporated by reference.

Note: Authority cited: Section 1789.37, Civil Code. Reference: Section 1789.37, Civil Code.



REQUEST FOR LIVE SCAN SERVICE (Check Cashier Permit)

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The Check Cashier Permit Program (CCPP) in the Department of Justice collects the information requested on this form as authorized by California Civil Code section 1789.37(b). The CCPP uses this information to process applications pertaining to the issuing of a permit to operate a check cashing business in the State of California. 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:

<https://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. Failure to provide the requested information will result in a delay in processing and/or denial of the application.

Access to Your Information. You may review the records maintained by the CCPP 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 the information pertaining to operating a check cashing business in the State of California, we may need to share the information you give us with federal, state, city, county, government and/or law enforcement 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 CCPP Program Analyst by e-mail at chkcashpermit@doj.ca.gov, by phone at (916) 210-4103, or via mail at:

California Department of Justice
Bureau of Criminal Information and Analysis
Check Cashier Permit Program
P.O. Box 160207
Sacramento, CA 95816-0207



REQUEST FOR LIVE SCAN SERVICE (Check Casher Permit)

Privacy Act Statement

Authority. The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose. Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses. During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental, or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.



REQUEST FOR LIVE SCAN SERVICE (Check Casher Permit)

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.) *You can find additional information on the FBI website at <https://www.fbi.gov/about-us/cjis/background-checks>.*

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 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)