



MONTANA  
PRIVACY AND SECURITY PLAN  
JANUARY 1976

Montana Board of Crime Control

76-TA-6020

43405

NCJR

SEP 30 1977

This plan is submitted in compliance with Sec 20.21 of Chapter I, Title 28 of the code of Federal Regulations.

1.0 Purpose:

ACQUISIT.

The purpose of this plan is to provide the procedures necessary to implement the various sections of the cited federal regulation. This plan when approved and implemented, will provide to each criminal justice agency in the state, guidelines for the proper storage and dissemination of criminal history record information and insure its accuracy and completeness and protect individual privacy.

2.0 Definitions:

As used in this plan

- A. "Identification record information" means fingerprint classifications, voice prints, photographs, and other physical description data concerning an individual that does not include any indication or suggestion that the individual has at anytime been suspected of or charged with a criminal offense.
- B. "Arrest record information" means information concerning the arrest, detention, indictment, or other formal filing of criminal charges against an individual, which does not include a disposition.
- C. "Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrest, detention, indictment, informations, or other formal criminal charges and any disposition arising there from; sentencing, correctional supervision, and release.

"Identification record information" as defined in Section 2.0A is excluded.

- D. "Criminal intelligence information" means information on identifiable individuals compiled by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.
- E. "Criminal investigative informations" means information on identifiable individuals compiled in the course of the investigation of specific criminal acts.
- F. "Wanted persons information" means identification record information on an individual against whom there is an outstanding arrest warrant, including the charge for which the warrant was issued, and information relevant to the individual's danger to the community and any other information that would facilitate the apprehension of the individual.
- G. "Disposition" means information disclosing that criminal proceedings have been concluded, including information disclosing that the police have elected not to refer a matter to a prosecutor, or that a prosecutor has elected not to commence criminal proceedings and also disclosing the nature of the termination in the proceedings; or information disclosing that proceedings have been indefinitely postponed and also disclosing the reason for such postponement. Disposition shall include but not be limited to, acquittal, acquitted by reason of insanity, acquitted by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, noble prosequi, no paper, nolo contendere plea, convicted, youthful offender determination, deceased, deferred disposition, dismissed - civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial - defendent discharged, executive clemency, placed on probation, paroled or released from correctional supervision.

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- H. "Criminal justice agency" means (1) courts; (2) a government agency or any subunit there of which performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.
  - I. "The administration of criminal justice" means 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. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

### 3.0 Applicability

This plan applies to all state and local agencies and individuals collecting, storing, or disseminating criminal history record information processed by manual or automated means where such collection, storage, or dissemination has been funded directly or indirectly with LEAA funds; and interstate, state, or local criminal justice agencies exchanging records with the FBI or these federally funded systems.

### 4.0 Provisions

To insure the completeness and accuracy of criminal history record information, the following procedures, actions, legislation, and policies will be instituted.

#### 4.1 Central State Depository (Reference 20.21a) (Appendix A)

The state legislature will enact the necessary legislation to establish and cause to be maintained within the Identification Bureau of the State Department of Justice a central depository of criminal history files

#### 4.1 (con't)

of all persons processed through Montana's criminal justice system. Each individual's file will contain factual information about the individual's arrest and disposition, court or court related action and disposition, and rehabilitative action and disposition. Disposition data must be recorded within 90 days after the disposition has occurred. (see Appendix C)

The Identification Bureau will establish the necessary procedures to insure that local agencies query the central depository prior to the dissemination of criminal history record information to assure that the most up-to-date data is being used.

To insure the accuracy of criminal history record information, each state and local criminal justice agency shall institute a process of data collection, entry, storage, and systematic audit that will minimize the possibility of recording and storing inaccurate information and upon finding inaccurate information of a material nature, shall notify all criminal justice agencies known to have received such information.

#### Commentary

##### Current Status

At present, Montana does not maintain a central depository of criminal history record information. The Identification Bureau of the Department of Justice does perform some of the functions normally associated with a central depository, but is limited due to the lack of complete reporting from all parts of the criminal justice system.

If the proposed legislation is enacted, the Identification Bureau if expanded, would be the ideal location for the central depository. The Bureau works closely with the Montana Law Enforcement system and is physically located adjacent to that facility.

## Current Status (con't)

In addition, the data processing bureau of the Department of Justice is undertaking the development and implementation of the OBTS/CCH and will be using the resources of the Identification Bureau.

### 4.2 Limitation on Dissemination (Reference 20.21b)

The question of the dissemination of criminal history record information will be addressed in the legislation being proposed in Appendix B. Specifically, the legislation will define criminal justice agencies as defined in section 2.0B of this plan, and will define the administration of criminal justice as defined in section 2.0C of this plan. The legislation will identify those non-criminal justice agencies that require criminal history record information by virtue of statute or executive order.

The legislation will further specify the necessary agreements that must be entered into by criminal justice agencies and those individuals and agencies providing services or doing research in criminal justice administration or related areas to protect confidentiality of information and insure accuracy. Further, the legislation will specify those agencies authorized by statute or executive order to conduct investigations to determine employment suitability or eligibility for security clearances.

## Commentary

### Current Status

At present, the state of Montana has no laws that address the the issue of privacy and security or control the use and dissemination of criminal history information. Local agencies have developed their own files and have established, either formally or informally, procedures governing use of the information. Likewise,

## Current Status (con't)

the Identification Bureau of the Department of Justice maintains criminal history files and has developed certain procedures governing their control and use.

### 4.3 General Policies (Reference 20.21c)

The general policies discussed in this portion of the federal regulation will be addressed in the proposed legislation being prepared by the Criminal Justice Information Systems Advisory Committee. The Privacy and Security legislation cited at Appendix B will address each of these specific points.

### 4.4 Juvenile Records (Reference 20.21d)

Juvenile records are controlled by the District Courts that have jurisdiction over juvenile offenders as specified in the Montana Youth Act or the Department of Institutions if the juvenile is under the supervision of the Department. However, the CJIS Advisory Committee will consider the issue of juvenile records and will propose additional safeguards if warranted.

### 4.5 Audit (Reference 20.21e)

The legislation being proposed in Appendix B will establish some type of regulatory agency to periodically audit the control and use of criminal history records by local and state criminal justice agencies. However, the CJIS Advisory committee with the assistance of state officials will first determine if an existing agency may adequately serve this function.

### 4.6 Security (Reference 20.21f as amended)

The Data Processing Bureau of the Department of Justice has the responsibility for the development, implementation, and maintenance of the

4.6 (con't)

of the OBTS/CCH. The operation of the system will be the responsibility of the central depository established by the legislation at Appendix A.

It will be the responsibility of the Department of Justice in cooperation with other state agencies to establish the necessary internal procedures and regulations to provide adequate security to all aspects of the system. This includes system technology, physical safeguards, and supervision of personnel.

Commentary

Current Status

The state of Montana operates two computer centers presently at the Department of Highways and at the Department of Administration. Both centers provide services to other state agencies.

At least for the foreseeable future, it will be necessary for the Department of Justice Data Processing Bureau to work with one of the state computer centers in the development of the OBTS/CCH. At some future time, the Department of Justice may secure their own computer facilities. This would allow for the enhancement of all security aspects.

4.7 Access and Review (Reference 20.21g)

The CJIS Advisory committee developed and forwarded to all criminal justice agencies in the state, the guidelines set forth at Appendix D. The proposed guidelines were to be adopted by all agencies not later than 16 December 1975.

## Appendix A

The Criminal Justice Information Systems Advisory Committee (CJISAC) of the Montana Board of Crime Control will develop and present to the 1977 session of the Montana Legislature proposed legislation authorizing the establishment of a state central depository of criminal history record information within the Identification Bureau of the Department of Justice. The proposed legislation will follow closely the recommendations of the National Advisory Committee on Criminal Justice Standards and Goals, as well as the recommendations of the Montana Council on Criminal Justice Standards and Goals.

The proposed legislation will specify that the central depository be established in the Department of Justice by the expansion of the present Identification Bureau. The legislation will authorize the Department of Justice to establish policies, procedures, and regulations to control and operate the depository, as well as to promugate specific regulations concerning communications between the depository and local and state criminal justice agencies and provide for penalties/sanctions for violation of depository regulations. The legislation will also provide for funding depository staff and operating expenses to include funds for making the depository physically secure as detailed in Section 20.21f(7) of the federal regulation.

Through the regulatory power given to the central depository in the proposed legislation, the depository will have the necessary authority to issue regulations to insure that each agency maintaining and authorized to disseminate criminal history record information contact the depository to insure that the most accurate information is being used.

## Appendix B

The CJISAC will develop and present to the 1977 session of the Montana Legislature proposed legislation for a Privacy and Security law to control, upgrade, and regulate the collection, storage, use, dissemination, security, and audit of criminal history record information. The proposed legislation will contain definitions of terms and classes of criminal justice information. The legislation will specifically address use and dissemination of criminal history record information. In addition, the legislation will provide procedures for the review, correction, purging, and sealing of criminal history records.

Provisions for physical security of information systems will be provided in the legislation, as well as regulations governing the selection and training of individuals responsible for maintaining criminal record systems.

The legislation will direct criminal justice agencies to implement the necessary procedures to be in compliance with all provisions of the law.

In addition, the legislation will provide for the establishment of a board or agency to oversee the implementation of the legislation and continued adherence to the requirements of the act through audits, and will provide to the board or agency the necessary authority to impose penalties/sanctions for non-compliance.

## Appendix C

The Criminal Justice Information Systems Advisory Committee of the Montana Board of Crime Control will develop and present to the 1977 session of the Montana Legislature proposed legislation requiring criminal justice agencies within the state to report specific criminal history record information to the state central depository. This information will include the fact of arrest of an individual and any disposition resulting from the arrest. In addition, subsequent court proceedings and their dispositions, as well as correctional activities and dispositions must be reported. All dispositional information must be reported to the central depository within 90 days after the action.

Under the legislation, it will be the responsibility of the central depository to collate, store, and control information forwarded to it as a result of this legislation.

It will be the responsibility of the central depository to establish procedures to investigate and require reports where dispositional data has not been received within the required 90 days.

Appendix D

See the attached. Access and Review Guidelines.

## CERTIFICATION STATEMENT

In compliance with Section 20.22 of the Federal Regulations the following is offered.

Section 20.21g (1-6) Right of Individual Access and Review.

The Criminal Justice Information Systems Advisory Committee drew up guidelines and procedures (Appendix of the plan) to implement this portion of the regulation. These procedures were forwarded to 487 state and local agencies as follows:

Type of Agency / Person	#
Sheriff's Department	56
Police Departments	103
District Judges	28
County Attorneys	56
City Magistrates	66
Justices of the Peace	91
Probation Officers	41
Parole Officers	26
Department of Revenue - Investigation Bureau	
Department of Livestock - Brands Enforcement Division	
Department of Fish and Game - Law Enforcement Division	
Department of Institutions	
Montana State Prison	
Swan River Youth Camp	
Mountain View Girls School	
Pine Hills School	
Bureau of Aftercare	

Department of Justice

Attorney General

Identification Bureau

Criminal Investigation Bureau

Data Processing Bureau

Department of Administration

Data Processing Division

Department of Highways

Data Processing Bureau

Board of Pardons

Governor's Office

Montana Supreme Court

Section 20.20 a-c. 20.21 a,b,c,d,e

These parts of the regulation are being addressed in the legislation being drafted by the CJIS Advisory Committee. (Appendix A,B,C of the Plan) The drafted legislation will be introduced during the 1977 session of the State Legislature for adoption.

Section 20.21(f) Security (as amended)

Requirements in this section of the regulation will be met in two ways as follows:

#### SYSTEM SECURITY

Three information systems (OBTS/CCH, OBSCIS, and Juvenile Probation Information systems) are currently in the design or production stage in Montana. The CJIS Advisory Committee is represented in the users committee of all three systems. It will be the responsibility of the users committee to insure that the latest techniques for information protection are incorporated into the design and later programming of all three systems. These techniques will be directed at lock out, restricted entry, and strict control of data modification.

## FACILITY AND PERSONNEL SECURITY

A meeting has been planned between data processing center managers and those responsible for criminal justice information system design. The purpose of the meeting is to examine current policies and procedures governing the physical security of the state's two computer centers and personnel selection and control and determine what steps can be taken to comply with the amended requirements of the federal regulation.

At the present time there are no known state statutes or regulations governing the control or dissemination of criminal history information. Two computer searches, using key words, have been made thru the Revised Codes of Montana. Neither search has revealed statutes bearing on this problem. Additional searches are planned.



State of Montana  
Office of The Governor  
Helena 59601

THOMAS L. JUDGE  
GOVERNOR

October 21, 1975

Dear Montana Criminal Justice Agencies:

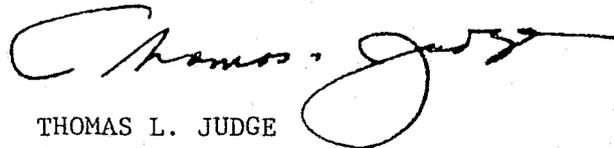
As I am sure you are aware, the United States Department of Justice has issued regulations concerning the dissemination of criminal records and criminal history information to insure the completeness, integrity, accuracy and security of such information and to protect individual privacy.

As requested by the Law Enforcement Assistance Administration, I have designated the Board of Crime Control of the Montana Department of Justice as the state agency responsible for the implementation of the federal guidelines at the state and local levels. The Board has in turn promulgated procedures to enable local criminal justice agencies to comply with the federal law.

There are various sanctions that will be employed by the Law Enforcement Assistance Administration and the Department of Justice for non-compliance with the regulations. An agency which fails to comply will be subject to a cancellation of the services of the U.S. Department of Justice criminal history record information systems. Additionally, State and local criminal justice agencies may lose eligibility to receive federal funds which are crucial to the continued improvement of Montana's criminal justice system.

I, therefore, urge each agency to take the actions necessary to comply with the federal regulations concerning dissemination of criminal records and criminal history information.

Sincerely,



THOMAS L. JUDGE  
Governor



# BOARD OF CRIME CONTROL

1336 HELENA AVENUE

HELENA, MONTANA 59601

TELEPHONE NO. 449-3604

October 24, 1975

IN REPLY REFER TO

TO: Montana Criminal Justice Agencies

FROM: Montana Board of Crime Control  
Criminal Justice Information Systems Advisory Committee

SUBJECT: Implementation of Section 20.21(g)(1-6) - Department of Justice -  
Criminal Justice Information Systems Regulation (Copy Attached)

The federal Department of Justice has caused the attached regulation to be effective June 19, 1975. This regulation requires each state to submit a plan for implementation of the regulation by December 16, 1975. In addition, Section 20.21(g)(1-6) of the regulation must be implemented by December 16, 1975. Section 20.21(g) permits individuals to have access to and review any criminal history record information maintained on the individual.

The Criminal Justice Information Systems Advisory Committee of the Board of Crime Control has developed suggested guidelines and forms which you may elect to implement in your office or agency. These guidelines are an attachment to this letter.

In addition to the required plan the state must submit certifications indicating what actions have been so far implemented to comply with the procedures set forth in the plan. To assist in this effort it would be appreciated if you could inform this office by November 24th as to what your agency has done to implement Section 20.21(g).

If you have questions concerning this regulation or the attached guidelines contact Wallace White in this office, telephone 449-3604.

Sincerely yours,

BOARD OF CRIME CONTROL

A handwritten signature in cursive script, appearing to read "Michael A. Lavin".

Michael A. Lavin  
Administrator

MAL:WTW:jc

Enclosures

RIGHT OF ACCESS AND REVIEW OF CRIMINAL HISTORY RECORD INFORMATION  
SUGGESTED GUIDELINES

Any individual upon satisfactory verification of his identity is entitled to review any criminal history record information maintained about the individual.

A. VERIFICATION

No individual shall be allowed to review his record until he has provided satisfactory verification. Verification may be by any of the following means:

1. A current driver's license or other official identification card containing a photograph.
2. Personal knowledge of someone in the agency or of someone else known and trusted by the department, provided some identification may still be required.
3. Fingerprints. The agency may also require fingerprints as an addition to the two mentioned above.

B. WHO CAN SEE THE RECORDS

1. The individual must appear personally, or by counsel. If the individual does not personally appear his counsel must present an order from a district court authorizing such access.
2. The individual may have one additional person with him besides his counsel.

C. TRANSFER OF RECORDS

1. If the individual's records are maintained in a state central depository, he may request that the records be transferred to the local agency for his review.
2. A local agency shall honor any request for a transfer of its records on an individual to a criminal justice agency located in another state, for the purpose of complying with this regulation.

D. TIME FOR ACCESS

The individual shall be entitled to access only during normal working hours.

E. COST AND FEES

Copies of records shall be released upon the individual's request. If a machine for making copies is not reasonably available, the individual may make handwritten copies himself.

A reasonable charge for copies may be made but at no more than the cost of labor and materials.

Any copy should be clearly marked to indicate that the copy is for review and challenge only and that any other use thereof is in violation of 42USC, Sec. 3771.

F. TYPES OF INFORMATION

The individual's right to review under the regulations extends only to criminal history record information concerning him. Hence, he is entitled to review information that records essentially the fact, date and results of each formal stage of the criminal justice process through which he passed to ensure that all such steps are completely and accurately recorded. He is not entitled to review intelligence and investigative information. Nor is he entitled to review substantive information compiled about him by criminal justice agencies, as distinguished from a record of his movement through the agency. Thus, he would be entitled to review the recordation of his admission to bail, but not the bail report; the recordation of his sentencing, but not the presentence report; and the recordation of his admission to correctional institutions, but not medical records and other records of treatment.

The criminal history information does not include:

1. Posters, announcements, or list for identifying or apprehending fugitives or wanted persons.
2. Original records of entry such as police dockets maintained by criminal justice agencies, which are organized only on a chronological basis. A separate alphabetical index may be kept but is not within this exception.
3. Court records of public judicial proceedings combined chronologically and not indexed automatically or manually by individual name. This exception covers both manual files and automated files, if the management and control of the files is not shared with any other agency.
4. Published court opinions or public judicial proceedings.
5. Records of traffic offenses maintained by the Montana Department of Justice or the Department of Community Affairs for the purpose of regulating the issuance, suspension, revocation, or renewal of driver's, pilot's or other operator's licenses.
6. Announcements of executive clemency.

G. PERSON IN CHARGE OF RECORDS

A person normally in charge of the record system or his designee should be available to answer questions concerning record content.

H. REVIEW AND CHALLENGE

A record of each request and examination of records under the purposes of this regulation shall be maintained. (See Attachment, Suggested Form No. 1.)

If an individual wishes to contest the accuracy or completeness of his criminal history record the agency will provide him with copies of the necessary challenge forms and appeal procedures. (See Attachment, Suggested Form No. 2.)

I. ADDITIONAL REVIEW PROCEDURES

If the challenge is denied by the person in charge of the records, the individual may request review by the head of the agency, provided the head of the agency is not normally in charge of the records.

If the challenge is denied by the head of the agency, the individual has the right to present his challenge to an appeal board outside the agency concerned.

There is hereby established an appeal board outside the agency concerned consisting of three (3) members appointed by the (Mayor) (County Commissioners). No member of the board can be employed by a criminal justice agency.

J. CORRECTION OF THE RECORD

If the agency can verify the accuracy of the alleged error or omission by teletype or mail to another law enforcement agency it shall do so. If the error or omission cannot be so verified and if the agency responsible for the error or omission is in the State of Montana, the individual shall address his challenge to that agency. If the information necessary to verify the alleged error or omission can be obtained by the agency, the agency may rely on properly identified written documents or may include the individual's own allegation in its records in future dissemination.

If the challenge is successful, the agency shall supply to the individual, if requested, a list of those non-criminal justice agencies which have been supplied copies of the individual's criminal history.

In addition, the agency shall immediately correct its records and notify all criminal justice agencies to whom it has given erroneous or incomplete information of these changes.

A record of all agencies which have been supplied copies of or information from the individuals criminal history since the effective date of this regulation shall be maintained. (See Attachment, Suggested Form No. 3.)

CHALLENGE LOG

DATE	TIME	PERSON MAKING REQUEST	METHOD OF VERIFICATION	COPY RELEASED	RELEASING OFFICER
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NOTICE OF CHALLENGE

I, \_\_\_\_\_ presently residing at \_\_\_\_\_ hereby challenge the Criminal Record History Information concerning me and currently maintained by the \_\_\_\_\_ as being inaccurate or incomplete as follows:

I attest that the information presented above is true and accurate to the best of my knowledge.

-----  
SIGNED

R.C.M.(1947)24-7-206. False reports to law enforcement authorities.

- (1) A person commits an offense under this section if he knowingly:
  - (a) gives false information to any law enforcement officer with the purpose to implicate another; or
  - (b) reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or
  - (c) pretends to furnish such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident.
- (2) A person convicted under this section shall be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for any term not to exceed six (6) months, or both.

I have read the preceding paragraph and understand the seriousness of making a false statement on this document.

-----  
SIGNED

STATE OF MONTANA      {ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me or proved upon oath to me to be the person who executed the above document and acknowledged to me that he executed the same and further swore that the above statement of Challenge is true and accurate to the best of his knowledge.

In witness whereof, I have hereunto set my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public for the State of Montana,  
residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

DISSEMINATION LOG

DATE	TIME	SUBJECT NAME	RECORDS RELEASED FILE #	REQUESTING AGENCY	RELEASING OFFICER	RECEIVING OFFICER
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## COMMENTARY

### A. VERIFICATION METHOD

The commentary on the regulation for this subsection states that the drafters "expressly rejected a suggestion that would have called for a satisfactory verification of everyone's identity by fingerprint comparison". Thus, agencies are left free to use other methods of identity verification. For example, fingerprinting need not be required where the individual is well known to the official responsible for verification. This approach also leaves open the use of other verification methods, such as voice print comparisons, that are now in the development stage, but that may be available for routine use in the future.

### B. WHO CAN SEE THE RECORDS

Normally the individual concerned will present himself to the agency. However, there may be circumstances when the individual is confined because of illness or injury etc. which would prohibit him from appearing personally. Thus some provision for authorized representation has been established.

### C. TRANSFER

The regulation specifies that access and review be conducted under circumstances that do not cause an "undue burden to either the criminal justice agency or the individual". Under this stipulation the individual should be able to request that his record be transferred to a local agency for the specific purpose of review.

### D. TIME FOR ACCESS

Reasonable hours are meant to be the period of the normal working day 8 - 5 or some portion thereof. 2:30 a.m. to 4:30 a.m. are not considered reasonable.

### F. TYPES OF INFORMATION

The right to access and review extends only to criminal history information and does not include other information such as intelligence or treatment data.

"Criminal history record information means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records or photographs to the extent that such information does not indicate involvement of the individual in the criminal justice system."

As a practical matter, criminal history files can only be effectively established when they are based on fingerprints. Therefore, criminal history record information means only information related to offenses in connection with which an individual's fingerprints were taken. Where arrests are made without taking fingerprints, such as in traffic offenses and minor infractions, information on the arrests and subsequent dispositions are not criminal history record information.

If notations of an arrest, disposition, or other formal criminal justice transactions occur in records other than the traditional "rap sheet" such as arrest reports, any criminal history record information contained in such reports comes under the definition.

Various criminal justice information systems such as subject-in-process, prosecution management and inmate records systems contain data on arrests and other criminal justice system transactions. The regulations apply to these and other such systems containing criminal history record information.

#### H. REVIEW & CHALLENGE

Each agency should determine how best to record that criminal history records have been reviewed. Form #1 in the attachments may be used or another developed by the agency may be substituted.

In addition each agency should make provisions for recording the agencies or individuals both in and out of the state to whom criminal record information is released. Form #3 in the attachments is suggested. A copy of the form should be placed in the individual's file jacket each time information is released.

A "Challenge" is an oral or written contention by an individual that his record is inaccurate or incomplete; it requires him to give a correct version of record and explain why he believes his version to be correct. The regulations do not suggest any restriction in time between review and challenge. Form #2 in the attachments is suggested as a form to be used by an individual wishing to challenge the content of his record.

#### I. ADDITIONAL REVIEW PROCEDURES

The regulations states that the plan must provide for "administrative review and necessary correction of any claim by the individual to whom the information relates that the information is inaccurate or incomplete". This requirement should be understood to mean that an individual who challenges his record is entitled to have the record appropriately corrected if there is no factual controversy concerning his challenge. If there is a factual controversy and it is resolved against him, he is entitled to a review of that decision by someone in the agency other than the person who made the decision.

Local governments may use a board already in existence such as a personnel appeal board to satisfy the requirement for review by some organization outside the criminal justice agency. However, no member of a criminal justice agency may sit on the board.