

48125

**Privacy and Security
of Criminal History
Information:**

A GUIDE TO RECORD REVIEW AND CHALLENGE

**National Criminal Justice Information and Statistics Service
Law Enforcement Assistance Administration
U.S. Department of Justice
Washington, D.C. 20531**

Preface

This guide describes, in general terms, those requirements of the LEAA regulations governing privacy and security of criminal history information which pertain to Individual Access, Review, and Challenge of a criminal history record. It is intended that the document clarify both the rights of the individual and the responsibilities of the criminal justice agency in this area.

This document represents the second in a series of guides prepared by the Privacy and Security Staff, National Criminal Justice Information and Statistics Service (NCJISS), to discuss individual requirements of the regulations. The initial publication, "Privacy and Security of Criminal History Information: A Guide to Dissemination," is available through the National Criminal Justice Reference Service. Additional Guides will be released within the near future. Further information regarding these materials can be obtained by contacting the Privacy and Security Staff, NCJISS, LEAA, Washington, D.C. 20530

The Statute

The Department of Justice-Law Enforcement Assistance Administration regulations which govern the privacy and security of criminal history information systems (28 CFR Part 20) implement Section 524(b) of the *Omnibus Crime Control and Safe Streets Act of 1968*, as amended. This section was added to the Act in August 1973. It provides that:

All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; The Administration shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

The Regulations

Section 20.21(g) of the LEAA regulations (28 CFR Part 20), as published on March 19, 1976, requires that each state "insure the individual's right to access and review criminal history information for purposes of accuracy and completeness by instituting procedures so that:

(1) Any individual shall, upon satisfactory verification of his identity, be entitled to review without undue burden to either the criminal justice agency or the individual, any criminal history record information maintained about the individual and obtain a copy thereof when necessary for purpose of challenge or correction;

(2) Administrative review and necessary correction of any claim by the individual to whom the information relates that the information is inaccurate or incomplete is provided;

(3) The State shall establish and implement procedures for administrative appeal where a criminal justice agency refuses to correct challenged information to the satisfaction of the individual to whom the information relates;

(4) Upon request, an individual whose record has been corrected shall be given the names of all non-criminal justice agencies to whom the data has been given;

(5) The correcting agency shall notify all criminal justice recipients of corrected information; and

(6) The individual's right to access and review of criminal history record information shall not extend to data contained in intelligence, investigatory, or other related files and shall not be construed to include any other information than that defined by §20.3(b)."

As originally promulgated, the regulations required full compliance with all requirements by December 31, 1977. In recognition of the technical and fiscal limitations which precluded a large number of states from realistically meeting this deadline, however, the regulations were amended on December 6, 1977 to extend the date for final full implementation.

As so amended, the regulations require that a certification of compliance with the individual access, review, and challenge requirement be submitted by each state to LEAA by July 31, 1978. No substantive modifications were made to the individual access/review requirements in the December 6 amendment.

Impact

The ability to inspect government records maintained on him or her is considered the most significant elements in the important right of privacy. Both individual and authoritative commissions who have studied the problem agree that record review and challenge of inaccurate and incomplete information is an essential safeguard against faulty governmental record-keeping. Provision for such review in the LEAA means that statewide and/or local systems maintaining criminal history records must provide subject access for purposes of inspection. By providing this type of open access, justice agencies have an opportunity to demonstrate confidence in their record-keeping systems which will help generate public support for record-keeping functions in the future.

and time.

- Review the record (with assistance of a reader/translator, if needed).
- Receive a copy of the record—for purpose of challenge.
- Request that a record be corrected—upon a showing of inaccuracy or incompleteness.
- Obtain administrative review of record correction denial.
- Request, for purposes of correction, a list of non-criminal justice recipients of inaccurate information. (Criminal justice recipients to be notified directly by criminal justice agency.)

The regulations *do not* provide a right to review:

- Any information other than "criminal history information"
- Any information contained in intelligence or investigatory files.

RESPONSIBILITY OF THE CRIMINAL JUSTICE AGENCY

To implement the Individual Access, Review, and Challenge requirements of the LEAA regulations, state and/or local criminal justice agencies are required to establish procedures for:

- Review of criminal history information by the record subject.
- Challenge by the record subject of information which is believed to be inaccurate or incomplete.
- Review of source documents by the criminal justice agency to determine accuracy/completeness of challenged information.
- Administrative appeal by the record subject of an agency's refusal to correct a record.
- Correcting information which has been disseminated that is shown to be incorrect.

Scope

AGENCIES COVERED

The regulations apply to state and local agencies which have received LEAA funding for the collection, storage, or dissemination of criminal history record information since July 1, 1973.

Although the number of agencies varies from state to state, generally the law enforcement and correctional agencies in state and major metropolitan areas, as well as many law enforcement agencies in less populated areas, are affected.

Additionally, agencies which enter into User Agreements with covered agencies or are subject to State legislation, regulations, or other relevant controlling policy may be required to implement similar procedures to ensure individual access, review, and challenge rights.

INFORMATION COVERED

The right of individual access, review, and challenge applies *only* to:

- criminal history information;
- records retrievable by name or other personal identifier of the record subject.

In general terms, the regulations define "criminal history information" as information containing an individual's name or identifier and notations of arrest or other formal criminal charges and subsequent dispositions and/or other criminal justice actions relating thereto, including dismissals, decisions to drop charges, etc.

which are *not required to be* available for review and challenge include:

- intelligence or investigative information;
- psychiatric or social histories;
- identification information such as fingerprints or photographs.

The regulations specifically exempt intelligence and investigatory records from individual access under this provision.

AUTHORIZED INDIVIDUALS

The right to access, review, and challenge a record extends only to the identified subject of the record.

Other individuals authorized to accompany the record subject at the time of the record review may include, where appropriate:

- attorneys (serving on behalf of the record subject)
- readers (where subject is blind or illiterate)
- translators
- guardians

Persons or agencies other than those named above may, of course, continue to review records where otherwise authorized to do so pursuant to statute, regulations, etc.

Potential employers may not request to review an applicant's record on grounds that the record in question would be directly available to the individual record subject.

Procedural Requirements

- ADMINISTRATIVE PROCEDURES
- REVIEWING THE RECORD
- CHALLENGING THE RECORD
- ADMINISTRATIVE APPEAL
- CORRECTIONS

ADMINISTRATIVE PROCEDURES

General

The regulations establish general guidelines for review and challenge procedures which give each agency maximum latitude in selecting methods of implementation. The underlying principle to be followed in developing such procedures is that review and challenge shall be conducted in such a way that it does not place undue burden on either the record subject or the participating agency. Agencies in the states which have implemented review and challenge procedures prior to promulgation of the regulations have not experienced any particular difficulties and certainly no disruption to their operations.

Review Sites

The regulations do not require that individuals be authorized to review records directly at each covered agency—provided that the number and location of agencies designated to serve as review sites is adequate to prevent an undue burden on an individual attempting to review his records.

Specifically, although each covered agency may be regarded as a potential review site, the regulations permit states to:

- limit the number of review sites;
- permit (or require) record subjects to review records at a criminal justice agency other than the agency maintaining or originating the record.

It is strongly recommended, however, that each covered agency establish procedures to permit review of records *which it maintains*, regardless of whether or not such records may also be reviewed through an otherwise designated review site.

Time

The regulations permit each state and/or local agency to determine the days and times for record review. An acceptable minimum would be four hours a day, three days a week. Procedures should be established to accommodate individuals who, for a legitimate reason, cannot visit the agency during the scheduled review periods.

Costs

Agencies may charge a specific fee for permitting a subject to review the record, obtain a copy, file a challenge, or submit an appeal as long as the fee bears some reasonable correspondence to the actual cost and is not so great that it unduly discourages the exercise of rights under the regulations. Provision should also be made for waiver of such fee under appropriate circumstances.

Advertising

Although not specifically discussed in the regulations, compliance with the individual access, review, and challenge requirements implies that the general public should be advised of the right of review and challenge. Posters, pamphlets, and notices in newspapers are all suitable advertising techniques. Exhibit 1 is an example of a poster which would be appropriate for this purpose.

Formal Request

Although not required by regulations, it is strongly recommended that requests for review be submitted in written form. Exhibit 2 is a sample of a "Request for Review of Individual Criminal History Record" form which can be used for this purpose. It is recommended that forms of this type be available at all review sites. The form is divided into two parts, the first is "For the Requestor" and the second "For the Agency."

For the Requestor

- Section I of the sample should be completed by the requesting individual and submitted to the criminal justice agency at the time that a request is initiated.
- Section II of the sample form should be completed when assistance is required by the requestor for review at the time of review and prior to the agency providing the review material.
- Section III should be completed at the conclusion of the record review.

For the Agency

The half of the form "For the Agency" is provided to assist the agency with its own procedures and provide a written record for the agency handling the review.

- Section I should be completed at the time the request is made.
- Section II provides for a reidentification if the review takes place at a later time than the original request.
- Section III should be completed at the conclusion of the review.

Identification

One of the most important responsibilities of a review site after receiving a request for review is to make sure that the person reviewing the record is the person to whom the record pertains.

The regulations permit each state to establish the requirements for identifying the person requesting review. States may thus require fingerprints or may permit use of such identifiers as name and driver's license number.

Different procedures may also be utilized for state and local records (e.g., where local agencies clearly know an individual, a fingerprint requirement may be inappropriate). Similarly, fingerprints do not need to be used if the agency possessing the record does not have a fingerprint capability (provided that applicable statute, regulations, or policy do not require use of fingerprints.)

Individuals requesting record review may be asked to return to the review site to permit checking of identifiers and location of records. Such a second trip would usually be required where the subject is to be identified by fingerprints.

Assistance

To ensure that otherwise authorized individuals (such as employers), do not attempt to use the review process to learn about a prospective employee's record, only an attorney, guardian, or, if the record subject cannot read or is not fluent in English, a reader/translator, may normally accompany the record subject during record review.

Staff members of the review site may, of course, assist in reading or translation if so requested by record subject.

Copies

The regulations do not require that a record subject be given a hard copy of a record *except* where the copy is to be used in connection with a challenge. Even then, the regulations require only that the subject be given a copy of the entries which are to be challenged.

To prevent misuse of the copy, it is recommended that the hard copy be stamped with the notation: FOR REVIEW AND CHALLENGE ONLY or that the identifier be deleted from the hard copy.

Since the regulations do not *prohibit* release of a hard copy for purposes other than challenge, however, agencies may provide such copies if so desired.

The regulations provide that an individual record subject may challenge—and request correction of—criminal history record information on the grounds that it is *inaccurate* or *incomplete*.

Although the regulations permit states to develop the procedures for initiation of a record challenge, it is strongly recommended that challenges be made *in writing* and that copies of suitable forms be maintained at each review site.

Exhibit 3 is an example of a form which can be used to initiate a challenge of a record.

The regulations do not indicate whether "challenges" should be initiated at the review site or alternatively should be forwarded directly (by the record subject) to the agency originating the allegedly incorrect data. To eliminate undue burden to the individual and to permit the forwarding of fingerprints or other necessary documents, however, it is generally recommended that the challenge be initiated at the review site and that individuals be advised of this procedure at the time of record review.

Reviewing a Challenge

The regulations permit each state and/or affected agency to establish appropriate procedures for review of a challenge. Where a challenge is initiated at a review site other than the agency originating the challenged data, it is recommended that the review site forward the challenge to the agency which originated the record, or in the case of challenges claiming incompleteness in a record, to the agency that can verify the notations which, according to the record subject, should be included in the record.

SAMPLE CHALLENGE PROCEDURES

Before the Challenge

- Assign specific record clerks in advance, and in writing, to review all challenges.
- Stipulate the time allowed to complete the review, and advise clerks of review procedures.

At Time of Challenge

Review Site (if other than originating agency)

- Review "Request for Challenge" for completeness.
- Forward original "Request for Challenge" and other necessary documentation to agency originating allegedly inaccurate data.
- Retain copy of "Request for Challenge" with notation of date and materials transmitted to originating agency until resolution of challenge.

Originating Agency

Compare the challenged record with the agency record.

- If the agency record agrees with the record subject's version of the facts, approve challenge.
- If originating agency record agrees with allegedly incorrect record (rather than with record subject's version of facts), initiate audit of source documents and determine accuracy of agency record.

Alternative Review Procedures

The preceding are intended as *sample procedures only*. States and/or agencies may, of course, adopt different or additional procedures for review of a record challenge.

ADMINISTRATIVE APPEAL

General

Any person who challenges criminal history information in his or her own record and feels dissatisfied with the action taken in response to the challenge may appeal that action. The regulations require each state to establish procedures for administrative appeal of decisions made with respect to a challenge. One of the purposes of the administrative appeal is to provide record subjects with a simple, inexpensive alternative to judicial review.

Requesting an Administrative Appeal

The regulations require that each state designate an individual, committee, or agency (separate from the office or official responsible for initially reviewing a challenge) to be responsible for administrative appeals. Although not required, it is recommended that appeals be requested in writing. Appeal forms should be available at each review site. Exhibit 5 is an example of an Appeal Request Form.

Hearing the Appeal

Each state is free, under the regulations, to establish its own format for hearing administrative appeals. Many states have provided for a hearing where both the record subject and a challenged agency may, if they choose, attend, submit evidence, cross examine witnesses, and be represented by counsel. States are also permitted to provide, additionally or as an alternative, an appeal-by-mail procedure which permits the parties to present their cases informally. This would be particularly useful for imprisoned or out-of-state appellants.

Judicial Review

Although the regulations do not require judicial review, in many states the record subject if dissatisfied with the results of the administrative appeal, may file a lawsuit in court and attempt to obtain a court order to have the record changed.

CORRECTIONS

Correcting the Record

The regulations require that procedures be established to ensure that criminal justice agencies and individuals who have received erroneous or incomplete information in the past will be notified of data corrections.

Separate standards are established for notification of:

- criminal justice agencies;
- non-criminal justice agencies.

Notification of Criminal Justice Agencies

The regulations require that all criminal justice agencies shown by the current dissemination log to have received incorrect information should be notified of appropriate corrections.

- Notification of criminal justice agencies may be accomplished by:
- direct notification of agencies shown as holding inaccurate data;
 - general "APB" notifications of all criminal justice agencies.

In either case, notifications should be completed within a short time after discovery of an inaccuracy. Agencies receiving notification should also be instructed to carry out an additional notification where they have redisseminated erroneous information.

Notification of Non-Criminal Justice Agencies

To prevent any injury to the individual which might result from the reopening of an issue which may no longer be relevant to non-criminal justice actions, the regulations do not require that corrections be directly transmitted to non-criminal justice recipients of inaccurate data.

To ensure that corrections can be made where appropriate, however, the regulations do provide that, upon request, record subjects be advised of the names of all non-criminal justice agencies which have received erroneous information during the period of the current dissemination log.

Actual notification of non-criminal justice recipients remains, however, the responsibility of the record subject.

Questions and Answers

Q. How are courts affected by review and challenge?

A. The regulations provide that court records of public judicial proceedings are exempt from requirements of the regulations. Since court records are generally "public records," however, an individual can generally obtain a copy of his/her record without recourse to the rights of review and challenge provided under the LEAA regulations.

Q. Why are agencies concerned about the record review requirement?

A. Many agencies fear a flood of requests which will paralyze administrative efficiency. The experience of agencies in states where inspection is already a requirement of state law does not, however, support this fear. As a practical matter of fact, it appears that the requirement of fingerprinting the record subject not only ensures a match of the requestor with the record, but also tends to reduce the number of spurious requests.

Q. *My agency has never taken LEAA funds for record systems. How is my agency affected by the review and challenge requirements of the regulations?*

A. Agencies which are not directly subject to the regulations by virtue of accepting LEAA funds, are not *directly* subject to the review and challenge requirements contained in the regulations. Such agencies may, however, be required to permit subject record review, act as a review site, and/or review challenges to agency-oriented data pursuant to Users Agreements, state statutes, regulations, or other controlling policy.

Q. *If a record is incomplete and the originating agency cannot provide the necessary entry, must the entire record be purged?*

A. No. The regulations state that agencies should attempt in good faith to have complete records but they do not require the purging of an incomplete record. Where challenge is made on grounds that a record is incomplete, the record subject shall submit sufficient data regarding the date, place, court, or law enforcement agency involved as to permit the agency reviewing the challenge to verify the allegedly missing information and complete the record.

Q. *Does the right of review require a covered agency to permit a record subject to review records maintained by other agencies?*

A. The regulations anticipate that each state will prepare a plan for implementing review of records on a statewide basis. That plan may designate certain agencies as inspection points or "review sites" for the records of other agencies such as the state records bureau or agencies which are distant from the record subject. Where, however, no state plan has been developed and/or an agency has not been notified of responsibility regarding review of information maintained by another agency, the agency will only have to reveal those records in its own files for purposes of review.

Q. *Is it very likely that employers will try to use the review process to get access to criminal records?*

A. Since such attempts to access data are, of course, possible, it is necessary that agencies be alert to prevent this misuse of the record review provisions. For this reason, it is recommended that procedures be adopted under which: individuals are informed that data review is intended for purposes of accuracy determination only; hard copies are released *only* where challenges are indicated; hard copies are stamped "For Review and Challenge Only," etc.

Q. *What are the penalties for having false information in the file?*

A. There is no penalty for having inaccurate information in a file and, therefore, an agency can agree with a challenge without putting itself in jeopardy. What the regulations do penalize, by fine or loss of LEAA funds, is the failure of an agency to provide individuals with rights of review and challenge so as to minimize the risk of maintaining false information.

Q. *If an individual is dissatisfied with an agency's decision on a challenge, can he or she sue the agency in court?*

A. This question would depend on state law. Since the regulations require that an administrative appeal procedure be developed, however, it is likely that completion of the administrative appeal would be a prerequisite to filing a court action.

Q. *When an out-of-state agency reviews and rejects a challenge, what right of administrative appeal applies?*

A. Although this result might also vary with state law, it is likely that the administrative appeal procedure in the state of the originating agency would be applicable.

- Q. *Criminal history information in my agency consists of a master name index card with numbers pointing to various source documents. What do I do?*
- A. The record subject has the right to review either the data on the source documents (or photocopies of the source documents), or a compilation of criminal history information contained in the source documents.
- Q. *Is the right of inspection unlimited?*
- A. No. An agency may develop reasonable limitations. For example, an agency can limit the intervals between inspection by a particular subject where data on a record has not changed, can limit the number of reviews and time of review, etc.—(provided that all such limitations do not impose an undue burden on potential review subjects).
- Q. *What shall I do with fingerprints taken to identify the requesting record subject?*
- A. The regulations contain no specific requirements; it would be a good policy to return the fingerprints to the requestor.
- Q. *Does the right of review apply to police arrest blotters?*
- A. No. Police arrest blotters and other chronologically maintained original records of entry are exempt from the regulations. Although the record subject, like any other member of the public, will generally have the right to see such "public records," there is no way to challenge their accuracy under the regulations.

- A. No. The requirement for fingerprinting prior to record review is optional. Where an agency is a review site for another agency (such as the state records bureau), however, a requirement that record review subjects be fingerprinted may be imposed by such other agency. In such case, of course, provision would have to be made to ensure that review sites had adequate fingerprint capability.
- Q. *Is it true that I can give the subject a copy of the record for international travel purposes?*
- A. Yes. Although you are not required on review and challenge grounds to give a subject copies of records which will not be challenged, the regulations do not interfere with dissemination required for passports, visas, and the like.
- Q. *How can I limit the period for which notification of error is required?*
- A. A procedure which might be appropriate for limiting the time period for which error corrections are required would be to clearly indicate on each copy of criminal history information disseminated by your agency that the information is to be used only for a given period of time and that subsequently thereto, a new inquiry should be made of the disseminating agency to ensure data accuracy.

NOTICE

IF YOU ARE THE SUBJECT OF CRIMINAL HISTORY RECORD MAINTAINED BY THIS AGENCY YOU HAVE THE RIGHT TO REVIEW THAT RECORD AND CHALLENGE IT IF IT IS INACCURATE OR INCOMPLETE.

If you wish to inspect your record come to:

on:

between:

A fee may be required for record inspection.

Individuals must offer suitable identification.

The identification process may require a second visit to the department.

Exhibit 1

REQUEST FOR REVIEW OF INDIVIDUAL CRIMINAL HISTORY RECORD																					
SECTION I	<table style="width: 100%; border: none;"> <tr> <th style="width: 60%; text-align: center; border: none;">FOR REQUESTOR</th> <th style="width: 40%; text-align: center; border: none;">FOR AGENCY USE ONLY</th> </tr> <tr> <td style="border: none;">Name: _____</td> <td style="border: none;">Date of Request: _____</td> </tr> <tr> <td style="border: none;">Address: _____</td> <td style="border: none;">Records Clerk: _____</td> </tr> <tr> <td style="border: none;">_____ Zip _____</td> <td style="border: none;">Identity Verified by: _____</td> </tr> <tr> <td style="border: none;">I request to see Criminal History Record Information held by _____ (Agency) _____</td> <td style="border: none;"><input type="checkbox"/> Person Known by Agency</td> </tr> <tr> <td style="border: none;">and or _____</td> <td style="border: none;"><input type="checkbox"/> Fingerprint Comparison</td> </tr> <tr> <td style="border: none;">_____ (Signature) _____</td> <td style="border: none;"><input type="checkbox"/> Other Identification as Follows: _____</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">Fee Received \$ _____</td> </tr> </table>	FOR REQUESTOR	FOR AGENCY USE ONLY	Name: _____	Date of Request: _____	Address: _____	Records Clerk: _____	_____ Zip _____	Identity Verified by: _____	I request to see Criminal History Record Information held by _____ (Agency) _____	<input type="checkbox"/> Person Known by Agency	and or _____	<input type="checkbox"/> Fingerprint Comparison	_____ (Signature) _____	<input type="checkbox"/> Other Identification as Follows: _____		Fee Received \$ _____				
FOR REQUESTOR	FOR AGENCY USE ONLY																				
Name: _____	Date of Request: _____																				
Address: _____	Records Clerk: _____																				
_____ Zip _____	Identity Verified by: _____																				
I request to see Criminal History Record Information held by _____ (Agency) _____	<input type="checkbox"/> Person Known by Agency																				
and or _____	<input type="checkbox"/> Fingerprint Comparison																				
_____ (Signature) _____	<input type="checkbox"/> Other Identification as Follows: _____																				
	Fee Received \$ _____																				
SECTION II	<table style="width: 100%; border: none;"> <tr> <th style="width: 60%; text-align: center; border: none;">INDIVIDUALS ASSISTING THE RECORD SUBJECT</th> <th style="width: 40%; text-align: center; border: none;">FOR REIDENTIFICATION</th> </tr> <tr> <td style="border: none;">I agree not to use, share or disseminate any criminal history information pertaining to the record other than for lawful purposes.</td> <td style="border: none;">Date of Request: _____</td> </tr> <tr> <td style="border: none;">Check appropriate box:</td> <td style="border: none;">Records Clerk: _____</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> I have been asked by the person requesting review to assist in reading or translating the criminal history record.</td> <td style="border: none;">Identity Verified by: _____</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> I am an attorney, duly authorized to practice law in _____ (state) _____ and I have been retained by the person requesting review to provide aid and assistance in the review and possible challenge of the criminal history record.</td> <td style="border: none;"><input type="checkbox"/> Person Known by Agency</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> I am the guardian of the person requesting review.</td> <td style="border: none;"><input type="checkbox"/> Fingerprint Comparison</td> </tr> <tr> <td style="border: none;">(name) _____</td> <td style="border: none;"><input type="checkbox"/> Other Identification as Follows: _____</td> </tr> <tr> <td style="border: none;">(address) _____</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">(date) _____</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">(signature) _____</td> <td style="border: none;"></td> </tr> </table>	INDIVIDUALS ASSISTING THE RECORD SUBJECT	FOR REIDENTIFICATION	I agree not to use, share or disseminate any criminal history information pertaining to the record other than for lawful purposes.	Date of Request: _____	Check appropriate box:	Records Clerk: _____	<input type="checkbox"/> I have been asked by the person requesting review to assist in reading or translating the criminal history record.	Identity Verified by: _____	<input type="checkbox"/> I am an attorney, duly authorized to practice law in _____ (state) _____ and I have been retained by the person requesting review to provide aid and assistance in the review and possible challenge of the criminal history record.	<input type="checkbox"/> Person Known by Agency	<input type="checkbox"/> I am the guardian of the person requesting review.	<input type="checkbox"/> Fingerprint Comparison	(name) _____	<input type="checkbox"/> Other Identification as Follows: _____	(address) _____		(date) _____		(signature) _____	
INDIVIDUALS ASSISTING THE RECORD SUBJECT	FOR REIDENTIFICATION																				
I agree not to use, share or disseminate any criminal history information pertaining to the record other than for lawful purposes.	Date of Request: _____																				
Check appropriate box:	Records Clerk: _____																				
<input type="checkbox"/> I have been asked by the person requesting review to assist in reading or translating the criminal history record.	Identity Verified by: _____																				
<input type="checkbox"/> I am an attorney, duly authorized to practice law in _____ (state) _____ and I have been retained by the person requesting review to provide aid and assistance in the review and possible challenge of the criminal history record.	<input type="checkbox"/> Person Known by Agency																				
<input type="checkbox"/> I am the guardian of the person requesting review.	<input type="checkbox"/> Fingerprint Comparison																				
(name) _____	<input type="checkbox"/> Other Identification as Follows: _____																				
(address) _____																					
(date) _____																					
(signature) _____																					
SECTION III	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;"> I have reviewed my criminal history records and find: <ul style="list-style-type: none"> <input type="checkbox"/> The records at this time are satisfactory. <input type="checkbox"/> The records are significantly inaccurate or incomplete and I would initiate a challenge to the originating agency or agencies for correction. <input type="checkbox"/> I request to retain a copy of the challenged portion solely for my own personal use in preparing a challenge. </td> <td style="width: 40%; border: none; vertical-align: top;"> <input type="checkbox"/> Challenge To Be Initiated <input type="checkbox"/> Copy of Challenged Portion Provided with Limitation of Use of Statement Appearing Thereon. Fee Received for Copies \$ _____ Records Clerk: _____ </td> </tr> </table> <p style="margin-top: 10px;">I understand that the criminal history record information that I have received has been revealed to me for purposes of insuring accuracy and completeness of the information.</p> <p style="margin-top: 10px;"> _____ _____ Date Signature </p>	I have reviewed my criminal history records and find: <ul style="list-style-type: none"> <input type="checkbox"/> The records at this time are satisfactory. <input type="checkbox"/> The records are significantly inaccurate or incomplete and I would initiate a challenge to the originating agency or agencies for correction. <input type="checkbox"/> I request to retain a copy of the challenged portion solely for my own personal use in preparing a challenge. 	<input type="checkbox"/> Challenge To Be Initiated <input type="checkbox"/> Copy of Challenged Portion Provided with Limitation of Use of Statement Appearing Thereon. Fee Received for Copies \$ _____ Records Clerk: _____																		
I have reviewed my criminal history records and find: <ul style="list-style-type: none"> <input type="checkbox"/> The records at this time are satisfactory. <input type="checkbox"/> The records are significantly inaccurate or incomplete and I would initiate a challenge to the originating agency or agencies for correction. <input type="checkbox"/> I request to retain a copy of the challenged portion solely for my own personal use in preparing a challenge. 	<input type="checkbox"/> Challenge To Be Initiated <input type="checkbox"/> Copy of Challenged Portion Provided with Limitation of Use of Statement Appearing Thereon. Fee Received for Copies \$ _____ Records Clerk: _____																				

Exhibit 2

SAMPLE FORM

CHALLENGE OF CRIMINAL HISTORY RECORD

TO: _____ Originating Agency			FROM: _____ Name		
_____ Address			_____ Address		
_____ City	_____ State	_____ Zip	_____ City	_____ State	_____ Zip

Enclosed please find the required fee of \$ _____
 I have reviewed my criminal history records at _____ (Agency)
 and find that certain entries originating your agency are significantly inaccurate or incomplete
 in the following particulars:

RECORD NOW READS	RECORD ENTRY NUMBER _____	DATE _____
	CHARGE _____	DATE _____
	DISPOSITION _____	DATE _____
RECORD SHOULD READ	_____	_____
	_____	_____

I have attached and signed an additional sheet(s) describing other claimed errors in my records.
 I declare that my statements in this challenge to the best of my knowledge and belief are true and correct.

_____ Date	_____ Signature
------------	-----------------

AGENCY RESPONSE TO CHALLENGE

NOTE: This form should be sent to the challenger and the review site (if different from the agency responding to the challenge).

In regard to the record of: _____
Name

_____ Address

which is maintained by: _____
This agency or name of review site

_____ Address

and was challenged on: _____
Date

A. The following record entry is corrected.

RECORD RECORD ENTRY NUMBER _____ DATE _____
NOW CHARGE _____ DATE _____
READS DISPOSITION _____ DATE _____

RECORD RECORD ENTRY NUMBER _____ DATE _____
SHOULD CHARGE _____ DATE _____
READ DISPOSITION _____ DATE _____

The review site should correct its record and notify all criminal justice agencies shown by its current dissemination log to have received incorrect information of the appropriate change and provide, upon request to the challenger, the names of all non-criminal justice agencies receiving incorrect information during the same period.

B. The following record entry is not changed.

RECORD RECORD ENTRY NUMBER _____ DATE _____
NOW CHARGE _____ DATE _____
READS DISPOSITION _____ DATE _____

Reason for rejection of challenge:

- Identifiers provided are not adequate to identify record subject
- This agency did not originate the challenged entry
- Comparison of the entry with records at this agency shows that the original entry was appropriate
- Other:

The challenger is hereby advised that in the case of a rejected challenge, a right of administrative appeal exists.

Chief Administrative Officer,
Responsible for Records

Agency Name

Agency Address

APPEALS REQUEST FORM

Instructions: To initiate an appeal, fill out this form and attach a copy of the decision which you are appealing. If additional information is needed, you will be contacted.

TO: _____
(name of individual, committee, or agency responsible for hearing
_____ administrative appeals)

I hereby request you to review the decision of _____
(insert name of agency

_____ deciding the challenge)
which rejected the challenge that I filed regarding the accuracy and completeness of information pertaining to me. I am appealing the decision because

(state explanation of why you reject the decision of the agency which decided the challenge.)

In support of this appeal, I am submitting the following evidence
(describe the documents or other evidence which you are submitting)

I declare that my statements in this appeal are, to the best of my knowledge and belief, true and complete.

Signature _____

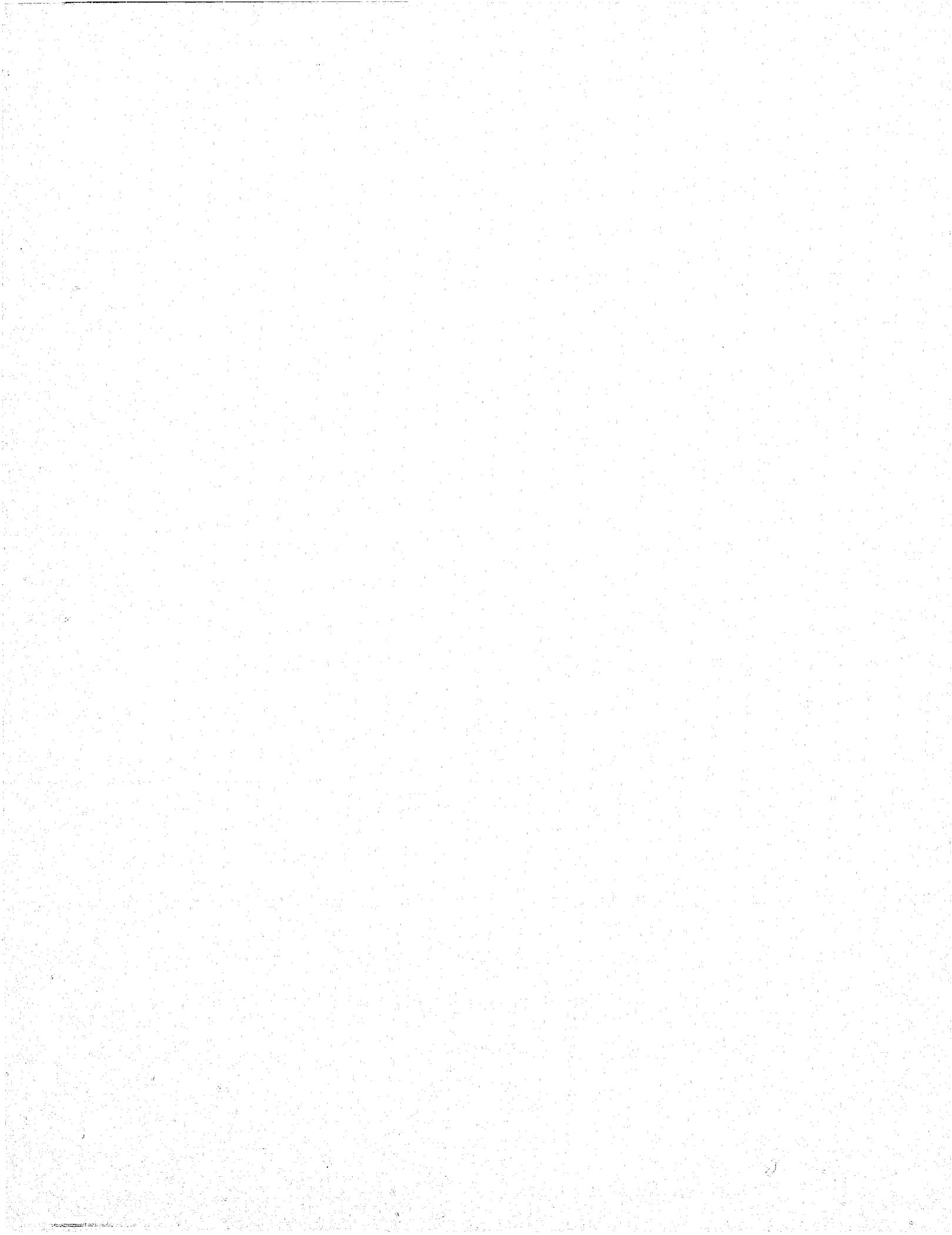
Print Name _____

Date _____

Address _____

City State Zip

Telephone Number _____



END