

Butler-Hembree, Jennifer (ACF)

From: Collins, Gail (ACF)
Sent: Tuesday, June 07, 2016 12:58 PM
To: Brown, Janis (ACF); Cavanaugh, Bob (ACF); Cawthon, Shalonda (ACF); Darling, Kendall (ACF); Kennerson, Marilyn (ACF); Kirisitz, Paul (ACF); Naugler, Tina (ACF); Nicholas, Alfonso (ACF); Pearson, Lisa (ACF); Samples, Debra (ACF); Smith, Deborah (ACF)
Cc: Butler-Hembree, Jennifer (ACF); West, Eileen (ACF); Palmer, Allison (ACF); McHugh, Kathleen (ACF); Bock, Joe (ACF); Meltzer, William (ACF); Viales, Linda (ACF); Randall, Carlette (ACF)
Subject: Information on FBI Criminal History Record Information (CHRI) for IV-E reviews
Attachments: dissem_fbi_chri.pdf

Dear Colleagues,

The following information relates to criminal background check information needed for title IV-E eligibility reviews.

As you know, a number of states that have been audited by the FBI in the past have been told that they may not release NCID criminal background fingerprint check results to others, including members of a title IV-E foster care eligibility review team. Recently, we exchanged emails with the Audit Unit within the FBI Criminal Justice Information Systems (CJIS) Division. It turns out that in 2008 CJIS audit staff raised questions to FBI legal staff regarding allowing ACF and CB review team members access to the FBI Criminal History Record Information. In response to these inquiries, FBI legal staff issued an opinion in October 2008 based on interpretation of Title 28, United States Code, Section 534. The legal opinion provided that there is no legal prohibition to secondary dissemination of criminal history record information to government agencies with audit oversight responsibilities. However, the criminal history record information is to be protected from unwarranted disclosure, and agencies must adequately address privacy and security concerns. The legal interpretation was formally documented in 2015 through the publishing of the National Crime Prevention and Privacy Compact Council's Noncriminal Justice Online Policy Resource - Dissemination of FBI Criminal History Record Information for Noncriminal Justice Purposes. I have attached a copy for your reference. Applicable language begins at the last paragraph on the bottom of page 10.

Please have your staff share this information with appropriate program and financial state title IV-E agency staff at their earliest convenience. Going forward, it is expected that states will make available to review team members the results provided them through the NCID criminal background fingerprint checks for both prospective foster care parents and staff of child care institutions in which children have been placed, regardless of whether they have a negative finding on this issue from a previous FBI audit.

Please contact Jennifer Butler-Hembree with any questions you may have.

Gail

Gail E. Collins, MPA
Director, Division of Program Implementation
Children's Bureau
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street, S.W. – Room 3512 -- Note new address
Washington, DC 20201
Phone) 202-205-8552
e-mail) gail.collins@acf.hhs.gov