



P.O. Box 903387
Sacramento, CA 94203-3870

DEPARTMENT OF JUSTICE

REQUEST FOR AUTHORIZATION TO RECEIVE
STATE SUMMARY CRIMINAL HISTORY INFORMATION
PURSUANT TO WELFARE & INSTITUTIONS CODE SECTION 15660
IN-HOME SUPPORTIVE CARE PROVIDERS

Employer Name/Agency Name: _____

Street Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

Contact Person: _____ Custodian of Records: _____

In accordance with the California Welfare and Institutions Code 15660, an **employer** may require a criminal background check of a non-licensed employee who provides, non-medical domestic or personal care to an aged or disabled adult, in the adult's own home.

On behalf of the company named above, I hereby acknowledge and agree to the following:

1. The information provided by the Department of Justice (DOJ) to this agency is confidential and shall not be disclosed or disseminated to any other person or agency.
2. Your agency shall notify the DOJ of any change in agency name, address, telephone number or contact person.
3. Your agency shall sign the enclosed letter, certifying to the Department of Justice that you **employ** non-licensed persons, who provide non-medical domestic or personal care services for aged or disabled adults, in the adult's own home. Also, enclose a copy of applicable business license.
4. Fingerprints may **only** be submitted for employees that provide direct care for aged or disabled adults in the adult's own home.
5. Your agency shall establish a custodian of records. Pursuant to the California Code of Regulations, section 703(d), background checks shall be conducted on all personnel who have access to the criminal offender record information. These background checks must precede those that will be submitted for employment purposes.
6. Your agency shall pay the appropriate fingerprint processing fee for each background check submitted to the DOJ.
7. Fingerprints will be retained by the DOJ pursuant to Penal Code Section 11105.2 PC until notified that the individual is no longer employed.
8. The DOJ shall provide a subsequent arrest notification pursuant to Penal Code Section 11105.2. Complete the Contract for Subsequent Arrest Notification Service form.
9. This application requires original signatures only. Photocopies, or fax copies, will not be accepted.

Signature _____ Date _____

Printed Name _____ Title _____

CONTRACT FOR SUBSEQUENT ARREST NOTIFICATION SERVICE

Department of Justice
Bureau of Criminal Identification and Information
P.O. Box 903417
Sacramento, CA 94203-4170

The agency listed below is authorized to receive state summary criminal history information from the files of the Bureau of Criminal Identification and Information for employment, licensing or certification purposes. This agency further requests that fingerprint cards submitted for this purpose be retained in Bureau files for subsequent arrest notification service pursuant to Section 11105.2 of the California Penal Code. **Fingerprint cards received before the effective date will not be retained.**

AGENCY NAME: _____
AGENCY ADDRESS: _____
CITY, STATE, ZIP: _____
ORI NUMBER: (If Applicable) _____
ATTENTION: _____ TELEPHONE: _____

Please retain the following authorized categories:

ALL EMPLOYEES ALL LICENSES
 OTHER (specify): In-home Support Service Care Provider

This agency certifies that to its knowledge, there is no statute or regulation prohibiting this notification, that all requirements for criminal record security and privacy of individuals will be met. This agency will notify the Bureau of Criminal Identification and information (sample form attached) when it no longer has a legitimate interest in a subject, as required by Section 11105.2 of the California Penal Code.

APPROVED: _____ (Department of Justice area only)

Signature

Print Name

Title

Department of Justice
Applicant and Public Services Section
Bureau of Criminal Identification and Information

Effective Date

Security of Criminal Offender Record Information

Criminal Offender Record Information (CORI), including responses that no criminal record exists, is confidential. Sections 11142 and 11143 of the Penal Code provide for criminal penalties for the release of this information to unauthorized individuals.

Article I, Section 1 of the California Constitution grants California citizens an absolute right to privacy. Individuals or agencies violating these privacy rights place themselves at both criminal and civil liability. The California right of privacy was created to curb, among other things, the over broad collection and retention of personal information by government agencies, the improper use of information properly obtained for a proper purpose, and the lack of a reasonable check on the accuracy of existing records. (White v. Davis (1975) 13 Cal.3d 757, 775.)

CORI shall be accessible only to the records custodian and/or hiring authority charged with determining the suitability for employment or licensing of an applicant. The information received shall be used by the requesting agency solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employing or licensing agency.

Upon determination of employment or licensing, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Code of Regulation, Title 11, Section 708)

The retention and sharing of information between employing and licensing agencies are strictly prohibited. The retention and sharing of information infringe upon the right of privacy and fails to meet the compelling state interest defined in Loder v. Municipal Court (1976) 17 Cal.3d 859. In addition, maintenance of redundant information separate from the information maintained by the California Department of Justice (DOJ) avoids the updates and makes it impossible for DOJ to control dissemination of CORI as outlined in section 11105 of the Penal Code.



BUREAU OF CRIMINAL INFORMATION AND ANALYSIS
P.O. BOX 903387, C-121
SACRAMENTO, CA 94203-3870
Office: (916) 227-3460; Facsimile: (916) 227-4815

DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES
CRIMINAL OFFENDER RECORD INFORMATION SECURITY REQUIREMENTS
CUSTODIAN OF RECORDS DUTIES

On behalf of our agency/organization, I hereby acknowledge and agree to the following:

1. The information provided by the Department of Justice (DOJ) to this agency is **confidential** and shall not be disseminated to any other person or agency not authorized by law (Penal Code Section 11142). A violation of this section is a misdemeanor.
2. All personnel with access to Criminal Offender Record Information (CORI) will have a fingerprint background check completed through the DOJ as required by the California Code of Regulations Section 703(d) prior to the submission of fingerprints for employment, licensing, certification or volunteer purposes. (\$32 processing fee)
3. All personnel with access to CORI will have a signed "Employment Statement Form" on file acknowledging an understanding of laws prohibiting its misuse. (See Attachment A)
4. All personnel with access to CORI will be trained in the secure handling, storage, dissemination and destruction of CORI.
5. My agency/organization will have a written policy for securing access, storage, dissemination and destruction of criminal record information. This policy will include the steps to be taken to prevent unauthorized access to CORI maintained in our agency files. (See Attachment B)
6. The Department of Justice may conduct audits of the authorized persons or agencies using CORI to insure compliance with state laws and regulations. (Section 702(c) California Code of Regulations)
7. The information provided by the Department of Justice will be maintained in a secured area/locked cabinet separate from the employees personnel file and be used only for the purpose for which it was acquired.
8. Our agency/organization will notify the Department of Justice with regard to any change of agency name, address, telephone number or contact person.
9. The "No Longer Interested Notification Form" will be sent to DOJ, when applicable.

Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Agency/Organization Name: _____

Revised 4/2001



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DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES
EMPLOYEE STATEMENT FORM
(ATTACHMENT A)

As an employee of: _____

You may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code Section 502, prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300, identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code Sections 11140 - 11144 and 13301 - 13305, prescribe penalties for misuse of criminal history information. Government Code Section 6200, prescribe felony penalties for misuse of public records. Penal Code Sections 11142 and 13300 state:

“Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.”

Civil Code Section 1798.53, Invasion of Privacy, states:

“Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual.”

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES

- ✓ Penal Code Section 11141: DOJ furnishing to unauthorized person (misdemeanor)
- ✓ Penal Code Section 11142: Authorized person furnishing to other (misdemeanor)
- ✓ Penal Code Section 11143: Unauthorized person in possession (misdemeanor)
- ✓ California Constitution, Article I, Section 1 (Right to Privacy)
- ✓ 1798.53 Civil Code, Invasion of Privacy
- ✓ Title 18, USC, Sections 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____



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DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES
CRIMINAL OFFENDER RECORD INFORMATION POLICY FORM
(ATTACHMENT B)

This policy has been developed to meet the requirements of the State of California, Department of Justice, Division of Criminal Justice Information Services, for any agency that receives Criminal Offender Record Information (CORI).

To all employees: To insure the suitability of employees accessing confidential criminal history records, all employees with access to CORI shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of this rests with the agency head or person in charge.

- A. Record Security: Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the agency head or person in charge.
- B. Record Destruction: It is recommended that the state summary of CORI obtained for employment, licensing or certification purposes be destroyed once a decision is made to employ, license, or certify the subject of the record. Retention beyond this time, should be based on documented legal authority and need.
- C. Record Dissemination: CORI shall be used only for the purpose for which it was requested.
- D. Record Storage: CORI shall be securely maintained and accessible only to the agency head or his/her designee who are committed to protect CORI from unauthorized access, use, or disclosure.
- E. Record Reproduction: CORI may not be reproduced for secondary dissemination.
- F. Training: **The agency head shall:**
 - 1. Understand and enforce this policy.
 - 2. Be fingerprinted and have a criminal history clearance.
 - 3. Have on file a signed copy of the attached *Employee Statement Form* (which is itself a part of this policy) which acknowledges an understanding of law prohibiting misuse of CORI.
- G. Penalties: Misuse of CORI is a criminal offense. Misuse of CORI may result in criminal or civil prosecution and/or administrative action up to and including loss of access to information maintained by the Department of Justice.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REQUIREMENTS.

Signature _____ Date: _____

Printed Name: _____ Title: _____

Agency/Organization Name: _____