

MISSOURI VECHS PROGRAM USER AGREEMENT

(Missouri Volunteer and Employee Criminal History Service-MOVECHS) SHP-982G 1/14

FOR RELEASE OF CRIMINAL HISTORY RECORD INFORMATION

Between the

**MISSOURI STATE HIGHWAY PATROL
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION**

This agency hereinafter shall be known as "MSHP-CJISD"

And

Agency Name (Please Print or Type on the above line)

Agency Address

City, State and Zip Code

Point of Contact (POC) Name (Please Print or Type)

Agency Telephone Number

FAX Number

Email Address

This agency hereinafter shall be known as "Authorized Recipient (AR)".

The AR's Originating Agency Identifier (ORI) and OCA, if applicable, is: _____

For MSHP-CJISD use

I. PURPOSE

This User Agreement is used to provide access to criminal history record information to authorized employers and other agencies requesting fingerprint-based criminal history records for screening current and/or prospective applicants who have or may have unsupervised access to children, the elderly, or individuals with disabilities for whom the AR provides care. The AR is a public, private, for profit, or not-for-profit entity operating within the State of Missouri with a physical operating address in Missouri.

Fingerprint-based criminal history record information must be explicitly mandated or allowed by law. National criminal history record information must be authorized by federal law or a state statute approved by the U.S. Attorney General. The applying AR is seeking background checks for:

Provide a description of purpose to receive criminal history record information. Include description of job and customers or clients served.

Enter the law(s) requiring or allowing the receipt of criminal history record information, if known:

II. THE PARTIES AGREE AS FOLLOWS:

The MSHP-CJISD will:

1. Provide criminal history record information in response to fingerprint-based background checks to the AR.
2. Provide assistance to the AR in interpreting criminal history record information.
3. Work to ensure the completeness and accuracy of the criminal history record information.
4. Conduct audits to assure compliance with this Agreement, state and federal laws, and pursuant to the Federal Bureau of Investigation (FBI) CJIS Security Policy (*most current version.*)
5. Cease providing criminal history record information to the AR if this Agreement is violated or if the AR is suspected of violating this Agreement.

The AR will:

1. Abide by the terms and conditions identified in this Agreement.
2. Comply with state and federal laws, rules, procedures, and policies, including those adopted by the state, the MSHP-CJISD, FBI CJIS Security Policy, and the National Crime Prevention and Privacy Compact (Title 42, United States Code 14611-16) regarding the receipt, use, and dissemination of criminal history record information.
3. Use criminal history record information only for the purpose for which it was requested.
4. Make the eligibility determination on applicants based on the receipt of the criminal history record information. Determine whether the current or prospective applicant has been convicted of, or is under pending indictment for, a crime that bears upon his or her fitness to have access to or contact with children, the elderly, or individuals with disabilities. The term "applicant" applies to employees, volunteers, contractors, vendors or persons that have or may have access to children, the elderly or individuals with disabilities for whom AR provides care, pursuant to the NCPA/VCA.
5. Obtain a completed and signed Waiver Agreement and Statement (SHP-981) from every applicant for whom the AR submits a request for a criminal history record check. Retain waiver for a minimum of three years or until a successful compliance audit has been assessed by the MSHP-CJISD.
6. Ensure that the appropriate federal legislation is entered in the "reason fingerprinted" field for each criminal history record request, i.e., *the National Child Protection Act, as amended by Volunteers for Children Act (NCPA/VCA); the Adam Walsh Child Protection and Safety Act, Section 153 (Adam Walsh Act); or the Edward Kennedy Serve America Act (Serve America Act).*
7. Pay all fees for criminal history record information provided by the MSHP-CJISD and FBI in accordance with Section 43.530 Missouri Revised Statutes (RSMo) and Title 28 Code of Federal Regulations (CFR) 20.31(e)(3).
8. Provide for the security of any criminal history record information received. This includes, but is not limited to:

- Designate a security officer (Local Agency Security Officer/LASO) who is responsible for ensuring compliance with security procedures and this User Agreement.
- Ensure that all personnel with access to criminal history record information are aware of the rules and responsibilities with regard to criminal history record information, pursuant to the most current version of the FBI CJIS Security Policy.
- Restrict access to physical or electronic copies of criminal history record information to authorized personnel. Physical copies shall be maintained in a controlled, secure environment such as a locked cabinet in a room not accessible to all staff and visitors. Electronic copies shall be protected with at least 128-bit encryption or individually password protected. The relevant federal encryption standard is FIPS 140-2.
- Restrict dissemination of criminal history record information unless explicitly allowed by law and log all authorized dissemination. Logs shall include, *at a minimum*, the date, the name of sending agency, name of receiving agency or applicant, record shared, means of dissemination, and name of person who disseminated.
- Track and report information security incidents such as the theft or loss of physical records or the penetration of electronic systems.
- Dispose of records securely. Physical media should be cross-shredded at a minimum, and electronic records should be deleted and repeatedly over-written with random 0s and 1s.
- Understand that this data is based on criminal history record information received at the state repository and through the systems of the FBI. If a person could be adversely affected by this data, the person must be given the opportunity to challenge and correct a record. Challenge and/or appeal procedures are referenced in section 43.532 RSMo and Title 28, Code of Federal Regulations (CFR) 16.30-34.
- Retain audit records for at least three years or until AR has received a favorable compliance rating from a MSHP-CJISD Policy Compliance Review (PCR). Once the minimum retention time period has passed, the AR shall continue to retain audit records until they are no longer needed for administrative, legal, audit, or other operational purposes such as Freedom of Information Act requests or legal actions.
- Allow the MSHP-CJISD to conduct audits to assure compliance with this Agreement.

III. CRIMINAL HISTORY RECORD INFORMATION LIMITATIONS

The AR understands the criminal history record information has the following limitations:

1. Criminal history record information is defined and has three parts as follows:
 - The arresting agency's name and crime class under which the person was arrested. The arrest data submitted includes the mandatory field of name, race, sex, and date of birth. All arrests are accompanied by fingerprints.
 - The charge(s) issued by the prosecutor.

- The name of the court that tried the case and the ultimate disposition of the case.
2. Criminal history record information and custody information is compiled from information submitted to the MSHP-CJISD from law enforcement agencies, prosecutors, courts, Department of Mental Health and Department of Corrections (*hereinafter referred to as contributing agencies.*) Although the MSHP-CJISD makes reasonable efforts to ensure all information is submitted as required by law, it is not responsible for omissions from contributing agencies.
 3. Before releasing information on individuals or taking adverse action against an individual listed on the criminal history record, the person in question must be afforded the opportunity to dispute and correct the record.
 4. Criminal history record information is constantly being updated as new arrests and other information are entered into the system by contributing agencies. The record released is only valid as of the date the criminal history record check was performed.
 5. Certain statutes allow for the suppression or deletion of records, and this information is not provided.
 6. The MSHP-CJISD retains records for the State of Missouri only. Most fingerprinting reasons include a check through the FBI, which the MSHP-CJISD will request on the AR's behalf as a normal part of the criminal history record check, if allowed by law.

This Agreement commences on the date the last signature is obtained below and continues until terminated by either party. This Agreement may be terminated sooner by one or both parties upon 30-days written notice or immediately upon violation of the terms of the Agreement.

Compliance with this Agreement is voluntary; however, failure to complete this Agreement may result in denial of request.

NONCRIMINAL JUSTICE AGENCY

Agency Representative and Title (Please Print or Type)

Signature of Agency Representative *Date*

MISSOURI STATE HIGHWAY PATROL

Captain Larry W. Plunkett, Jr.
MSHP Representative - Director, CJIS Division

Signature of Director, CJIS Division *Date*