

Frequently Asked Questions Regarding the National Crime Prevention and Privacy Compact Act of 1998



The National Crime Prevention and Privacy Compact

Version 5.4, May 2024

The National Crime Prevention and Privacy Compact

What is the Compact?

On October 9, 1998, President Clinton signed into law the National Crime Prevention and Privacy Compact Act of 1998 (Compact) United States Code (U.S.C.), Title 34, Chapter 140, Subchapter II, section 40311-40316 (formerly cited as 42 U.S.C., Chapter 140, Subchapter II, sections 14611-14616).¹ The Compact facilitates electronic information sharing among the federal government and the states and permits the exchange of criminal history records for noncriminal justice purposes when authorized by federal or state law.

When did the Compact become effective?

The Compact became effective on April 28, 1999, when it was ratified by two states: Montana (March 31, 1999) and Georgia (April 28, 1999).

Why was the Compact needed?

It was determined in the late 1970s that state criminal history records were more accurate and complete than records maintained by the FBI in that the states may have additional arrest and disposition information from state files such as District Attorney records and court records. Because states had varying statutes or policies that restricted the dissemination of records for noncriminal justice purposes, it was determined a federal law, or Compact, was necessary to facilitate interstate criminal record dissemination authority. For this reason, the landmark legislation was signed. This legislation continued the movement toward decentralization of criminal history record information (CHRI) that began in 1978 with the Interstate Identification Index (III) Project. The Compact provides the legal framework for the noncriminal justice use of the III and facilitates complete decentralization of criminal history records.

What are the benefits of ratifying the Compact to the noncriminal justice community?

Compact ratification benefits adjudicators across the nation, as it assures the most complete and accurate CHRI is made available for authorized noncriminal justice purposes. Information sharing at the greatest authorized level enhances public safety by protecting some of our most vulnerable populations such as the disabled, the elderly, and children, as well as the nation's critical infrastructure.

¹ See Appendix A for a copy of 34 U.S.C. §§ 40311-40316 (formerly cited as 42 U.S.C. §§ 14611-14616).

Why is it advantageous to the federal government for states to ratify the Compact?

Compact ratification provides the legal framework for the establishment of a cooperative federal-state system for the interstate exchange of criminal history records for noncriminal justice uses. Federal agencies conducting background checks for authorized noncriminal justice purposes benefit from receipt of the most complete and accurate CHRI available.

How does ratifying the Compact benefit the United States?

Compact ratification provides for the availability and use of the most complete and accurate CHRI on an interstate basis. The Compact requires the establishment of positive identification to obtain CHRI for a background check. This positive identification requirement guards against the use of fraudulent identity documents by an individual attempting to conceal a criminal past.

Why should my state ratify the Compact?

The Compact provides a signatory state the legal authority to share its CHRI on an interstate basis as it supersedes any conflicting state laws that may prohibit the exchange of CHRI on an interstate basis for noncriminal justice purposes.

Compact ratification ensures that authorized state agencies continue to receive the out-of-state records needed to screen state employees and licensees, as well as other authorized noncriminal justice purposes. In addition, federal agencies and other authorized organizations will continue to receive state criminal records needed to screen persons for employment in sensitive positions, making immigration and naturalization decisions, and for other authorized purposes.

Following are six specific benefits of Compact ratification:

- 1) **Provides Compact signatories a uniform criminal history record dissemination standard** – The Compact provides the legal framework for the noncriminal justice use of the III and facilitates complete decentralization of criminal history records.
- 2) **Provides Compact signatories a role in setting the policy regarding use of CHRI for noncriminal justice purposes** – Compact states have the assurance of a voice sufficient to protect states' interests in the evolution of policies governing the use of the III. Since the criminal history records available through the III are predominantly state-maintained records, the Compact states assure that the use of these records will be consistent with state concerns in areas such as privacy, system security, and data quality. Compact signatory states' representatives are encouraged to actively participate in Compact Council and Committee meetings.

- 3) **Provides Compact signatories the authority to determine what CHRI is disseminated within its borders for noncriminal justice purposes –**
A Compact state will continue to apply its own in-state dissemination laws to in-state use of its own records and will screen out-of-state records received through the III pursuant to the state's own laws.
- 4) **Provides Compact signatories the ability to join the National Fingerprint File (NFF) program –** Only Compact states may join the NFF program. The NFF program represents the final stage in decentralization of criminal history records, placing the management and responsibility for the effective control, collection, maintenance, and dissemination of state criminal record files solely with the state. NFF participation results in both enhanced individual privacy protection and better security for our nation's most vulnerable populations.
- 5) **Provides Compact signatories the assurance of complete and accurate CHRI –** There will be an increase in the completeness of records made available on an interstate basis for noncriminal justice purposes. This is beneficial since records maintained at the state repositories commonly contain additional arrest and disposition information that is not in the FBI's files. Also, many states maintain records not maintained by the FBI.
- 6) **Provides NFF participants decreased operational expenses –** Duplicate maintenance of criminal history records by the states and the FBI, and attendant costs, will be eliminated. The states will be relieved of the burden and cost of submitting all arrest fingerprints and charge/disposition data for state-maintained records to the FBI. Instead, NFF states submit to the FBI biometrics and textual identification data for each person's first arrest within the state to establish the identity in the Next Generation Identification (NGI) System. As no CHRI is retained, NFF states primarily perform record maintenance only within the state repository.

What are common misconceptions to Compact ratification?

- 1) **A state must become an NFF participant within one year –** Although a state must respond to all purpose codes within one year and submit an annual plan to the Council regarding the progress of NFF implementation, there is not a designated time period for a state to join the NFF program.
- 2) **An NFF state must maintain a 24/7 operation –** There is no requirement for a state to operate on a 24/7 basis as the state system will address how responses are handled.

- 3) **An NFF state would need additional staffing to review out-of-state record requests to comply with state dissemination laws** – An NFF participant does not screen CHRI when releasing records for out-of-state purposes.
- 4) **Ratification of the Compact would interfere with intrastate dissemination of CHRI** – States are free to disseminate CHRI within their state according to their state laws.

What are common barriers identified by states to Compact Ratification?

- 1) Lack of legislative support for ratifying the Compact
- 2) Lack of continuity at the state agency or with legislators
- 3) Lack of funding to update or build new systems to meet the NFF technological requirements
- 4) Requirement to release CHRI outside the state that cannot be disseminated within the state, such as arrests without conviction data
- 5) Other state priorities

How does a state enact the Compact?

A state ratifies the Compact by enacting state legislation. Some states have enacted the Compact verbatim as a standalone bill. Other states have enacted the Compact via a line item within a larger bill or amended current statutes to include the Compact by reference.² The enactment of the Compact generally requires a governor's signature.

How many states or territories have ratified the Compact?

As of July 1, 2023, 35 states have ratified the Compact. The Compact signatories are Alaska, Arkansas, Arizona, Connecticut, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming.

Are there any technical requirements that a state criminal history record repository must program in its state system when it becomes a Compact signatory?

Yes. Upon ratification of the Compact, a state criminal history record repository must program its system to respond to all III purpose code record requests.³

² See Appendix B for copies of sample legislation.

³ Refer to the most recent version of the *III/NFF Manual* for a complete list of purpose codes.

Does ratifying the Compact increase the number of background checks that a state must conduct?

No. The Compact does not circumvent state legislative authority to enact statutes which authorize national background checks for noncriminal justice purposes. Compact ratification does not increase the number of applicant background checks that a state must conduct. Enacting Compact legislation does not change the type or number of Attorney General approved Public Law 92-544⁴ state statutes which authorize a national background check.

Is a specific industry (e.g., school teachers, day care providers) authorized to submit criminal history record checks directly to the FBI?

No. A national criminal history record check of an individual applying for any position, when authorized by state statute, must be processed through the state's criminal history record repository.⁵

Does the Compact require the submission of fingerprints in order to obtain a criminal history record for a noncriminal justice related background check?

Yes. A subject's fingerprints or other approved forms of positive identification shall be submitted with all requests for criminal history records checks for noncriminal justice purposes.

What does the term positive identification mean?

The term positive identification means a determination of a subject's identity based upon the comparison of fingerprints or other equally reliable biometric identification techniques, such as an iris scan or facial recognition. Identifications based solely upon a comparison of subject's names or other non-unique identification characteristics or numbers, or combinations thereof, shall not constitute positive identification. A name check, for example, does not constitute positive identification.

What are the accepted forms of positive identification?

Currently, the two forms of accepted positive identification for noncriminal justice record requests are 10 rolled fingerprints and 10 flat fingerprints.⁶

⁴ Public Law 92-544 provides that state and local governmental agencies may exchange CHRI for purposes of employment and licensing if authorized by a state statute approved by the Attorney General and that the FBI may exchange CHRI with officials of federally chartered banking institutions to promote or maintain the security of those institutions.

⁵ See Appendix A for 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article V.

⁶ See Appendix C for the published *Federal Register* notice.

Does ratifying the Compact affect the way a state disseminates records within its borders?

No. The Compact does not require a signatory state to disseminate its records on an intrastate basis differently than it currently does. Intrastate dissemination is based on the signatory state's legislation or executive orders.

Does ratifying the Compact affect state gun laws?

No. Nothing in the Compact interferes in any manner with access, direct or otherwise, to records pursuant with the Brady Handgun Violence Prevention Act.⁷

Are there any other pertinent federal laws that are not affected by ratifying the Compact?

Yes. According to the Compact, the following federal laws are **not** affected: The Privacy Act of 1974; 5 U.S.C. § 9101 (the Security Clearance Information Act); The National Child Protection Act; the Violent Crime Control and Law Enforcement Act of 1994; the United States Housing Act of 1937; the Native American Housing Assistance and Self-Determination Act of 1996; or any direct access to federal criminal history records authorized by law.⁸

Does ratifying the Compact authorize a national background check?

No. If a state has enacted a statutory requirement to conduct a **national** background check for a specific industry, the same process continues after Compact ratification. Likewise, if a signatory state statute requires only a **state** records check, Compact ratification neither requires nor enables a national check.

⁷ See Appendix A for 34 U.S.C. § 40314 (formerly cited as 42 U.S.C. § 14614).

⁸ See Appendix A for 34 U.S.C. § 40314 (formerly cited as 42 U.S.C. § 14614).

The Compact Council

How is the Compact implemented - nationally and in my state or federal agency?

Each Compact signatory state appoints a state Compact officer who is responsible for administering the Compact within that state and regulating the in-state use of records received by means of the III for noncriminal justice purposes. The FBI appoints an FBI Compact officer who is responsible for administering the Compact within the Department of Justice and other federal agencies. In addition, the Compact established a 15-member Council whose role is to monitor the operations of the III and to prescribe system rules and procedures for the effective and proper operations of the III for noncriminal justice purposes.

What are the eligibility requirements for a state Compact officer?

Once a state ratifies the Compact, a state Compact officer must be appointed by the state. The state Compact officer must be the chief administrator, or a designee of the chief administrator, who is a regular full-time employee of the repository. The state Compact officer must be a United States citizen pursuant to the Council's Bylaws.

Who comprises the Council?

The Council is comprised of nine state Compact officers, two at-large members nominated by the FBI Director, two at-large members nominated by the Compact Council chair, one FBI representative, and one FBI CJIS Advisory Policy Board representative. Each of these 15 Council members are appointed by the United States Attorney General and must be a United States citizen pursuant to the Council's Bylaws.

How often does the Council meet?

The Council meets in a public forum at least once a year at the call of the chairman. A notice of each Council meeting is published in the *Federal Register* at least 30 days prior to the meeting.⁹ The Council typically meets twice a year, in May and November.

Where can I find more information regarding the Compact, the Council, and its current initiatives?

For more information regarding the Compact, the Council, and its initiatives, please visit the Council's website at www.fbi.gov/compactcouncil.

Does the Council accept suggestions for discussion topics?

Yes, the Council accepts topic suggestions at any time. Instructions for submitting a topic suggestion may be found at www.fbi.gov/services/cjis/compact-council/topic-suggestion-form. Topic proposals are vetted by the FBI Compact officer in coordination

⁹ See Appendix D for the Council's Bylaws.

with the Council chairman and the Executive Committee. If deemed pertinent, topics are referred to the appropriate Council committee. Topics presented at a committee may be forwarded to a subsequent Council meeting.

Does the Council have the authority to promulgate rules?

The Council has the authority to promulgate rules and procedures governing the use of the III for noncriminal justice purposes, not to conflict with the FBI's administration of the III for criminal justice purposes.¹⁰

Is there an interim step a state can take prior to enacting Compact legislation?

Yes. A state may enter into a memorandum of understanding (MOU) with the Council, thus indicating the state's support of the Compact and Council rules, procedures, and policies relating to the noncriminal justice use of III information.

What are the differences between signing the MOU and ratifying the Compact?

An MOU signatory state agrees to voluntarily abide by the Compact and Council's rules, procedures, and policies regarding the noncriminal justice use of III information without actually ratifying Compact legislation.

What is the benefit of signing the MOU?

The approval process of signing the MOU is quicker than the process of ratifying the Compact. An MOU signatory can voluntarily support all III purpose codes to exchange CHRI in the same manner as Compact signatories. In addition, MOU representatives may participate in the Regional Committee meetings. The Regional Committee meetings provide an opportunity for state Compact officers, MOU state representatives, and Council members to discuss the topic papers in a more collaborative environment. The Regional Committees provide recommendations to the appropriate Focused Committee or the Compact Council.

What is the disadvantage of signing the MOU?

An MOU signatory state does not have a voice in the Council process and may not fully implement the Compact until ratification.

If a state or territory becomes an MOU signatory state, is there a requirement that it must become an NFF Program participant?

No. Only a state or territory that has ratified the Compact may become an NFF Program participant.

¹⁰ See Appendix A for 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article VI.

If a state or territory becomes an MOU signatory state, must it ratify the Compact within a set period of time?

No. While signing the MOU with the Council is often seen as a precursor to Compact ratification, there is no specific time frame requirement for an MOU signatory state or territory to ratify the Compact.

How many non-signatory states or territories have executed the MOU?

As of July 2023, 10 states and territories have executed an MOU including: American Samoa, Guam, Illinois, Kentucky, Massachusetts, Nebraska, New Mexico, North Dakota, Puerto Rico, and South Dakota.¹¹

Where can I find a sample copy of the MOU with the Compact Council?

A blank copy of the MOU is attached as Appendix E and may also be requested from the FBI's Compact Office at compactoffice@fbi.gov.

What is the Compact Mentorship Program (CoMP)?

The Compact Council has an extensive history of conducting outreach aimed at helping states ratify the Compact. In 2015, the Council established the CoMP to serve as a resource to the nonparty and MOU states interested in Compact ratification.

What is the goal of the CoMP?

The goal of the CoMP is to pair a nonparty or MOU state representative with a Compact state point of contact. This process gives the nonparty and MOU state representatives the opportunity to gain information regarding Compact ratification.

Who should a state contact if it is interested in seeking guidance on ratifying the Compact or executing the MOU?

The state should contact the FBI's Compact Office at compactoffice@fbi.gov. The Compact Office will assist the state with coordinating with the FBI Compact officer and the Council chairman.

¹¹ Delaware, Hawaii, Louisiana, Mississippi, Missouri, Utah, and Virginia were MOU signatories prior to enacting the Compact.

III

What is the III?

The III is an index pointer system that ties computerized criminal history record files of the FBI and the centralized files maintained by each III participating state into a national system. This system serves as the vehicle for data sharing and integration across the country. The final phase of III implementation is decentralization, whereby the FBI compiles a national criminal history record from participating state records.

What are the three steps to decentralization of records?

1) States participate in the III

The state's centralized criminal history record repository agrees to make its III indexed records available in response to requests from federal and out-of-state criminal justice agencies for criminal justice purposes. The FBI maintains a duplicate record to meet the needs of federal, state, and local noncriminal justice agencies and private entities that use III information for authorized noncriminal justice purposes.

2) States ratify the Compact

States must make all unsealed CHRI available in response to authorized noncriminal justice requests. The Compact, when signed by a state or territory, supersedes any conflicting state laws, and thus allows for uniform criminal history record dissemination among states, while ensuring that each signatory state will participate in the NFF Program.

3) Compact States participate in the NFF Program

The NFF concept places the management and responsibility for the effective control, collection, maintenance, and dissemination of state criminal record files solely with the state. The NFF states respond to record requests for all authorized purposes, and the FBI ceases to maintain duplicate criminal records.

Is a Compact signatory state or territory required to respond to all purpose codes for criminal history record requests?

Yes. The Compact signatory states are responsible for providing the state's III-indexed criminal history records for all authorized criminal and noncriminal justice purposes.¹² Council policy states that a new Compact state shall support all purpose codes within one year of ratifying the Compact.

¹² Refer to the most recent version of the *III/NFF Manual* for a complete list of purpose codes.

NFF Program

What is the NFF?

The NFF is a database of fingerprints, or other unique personal identification information relating to an arrested or charged individual, which is maintained by the FBI to provide positive identification of record subjects indexed in the III.

NFF program participation is the final stage of III implementation and the decentralization of criminal history records. A state becomes the sole maintainer and provider of its criminal history records.

Is a Compact signatory state required to immediately join the NFF program?

No. A Compact state is required to join the NFF program; however, there is no specific time frame. The non-NFF Compact states report annually to the Council on each state's implementation plan and progress toward joining the NFF program.

Is there a requirement that a state must first join the NFF program in order for the state Compact officer to become a member of the Council?

No. Any state Compact officer may run for an open state representative position on the Council.

If a state or territory becomes an MOU signatory state, is there a requirement that it must become an NFF program participant?

No. Only a state or territory that has ratified the Compact may become an NFF Program participant.

Do guidelines exist for NFF participation?

Yes. The Council developed, in cooperation with the CJIS Advisory Policy Board, the *State NFF Qualification Requirements* for all states and the *FBI NFF Qualification Requirements* for the FBI.¹³ Both sets of requirements are managed by the Council and any changes require Council review and approval. The most current versions of the requirements may be requested from the FBI's Compact Office at compactoffice@fbi.gov.

Is an NFF program participant required to take control of all its criminal history records at the national level?

No. However, in order for an NFF program participant to realize the full benefits of being a program participant, the state should take control of all state criminal history records it can support. When a state controls the majority of the criminal history records, this eliminates the need for the state to submit supporting documents to the FBI such as subsequent arrests, expungement requests, disposition reports, and death notices.

¹³ See Appendix F for the *Federal Register* Notice of Approval of the *NFF Qualification Requirements*.

How does a state fully participate in the NFF Program?

A state may participate in the NFF Program via the Traditional NFF method or the Alternate NFF (A-NFF) method. Both methods fully preserve the decentralized model of the NFF Program.

What is the difference between Traditional NFF and A-NFF?

Traditional NFF participating states send a Criminal Tenprint Submission – Answer Required (CAR) type of transaction (TOT) on the first arrest for a given individual. However, for second and subsequent arrests of that individual, Traditional NFF states send a Criminal Print Ident (CPI) message to the III; a Biometric Image Submission (FIS) TOT to the NGI System; and an Enter Supplemental Identifiers (EHN) message to the III. These messages are required to be programmed by a Traditional NFF state for sending a second and subsequent arrest.

In May 2016, the Council approved a proposal for a method of NFF participation that would require less programming on the part of the state, coined “Alternate NFF.” For A-NFF, instead of sending a CPI message, FIS TOT, and EHN message on second and subsequent arrests, the state simply sends a CAR TOT and includes the FBI Universal Control Number (UCN). While the state still needs to make programming changes to become an A-NFF state, there are significantly fewer than required for the Traditional NFF method, thus making the process to submit information to the FBI easier.

Are there any new III technical requirements for NFF participation?

Yes. A Traditional NFF state must program for the receipt of two new III unsolicited messages. The messages include the \$.A.Previously Established Single Source (PES) message and \$.A.Previously Established Multi-Source (PEM) message, and one new III maintenance message, the CPI message key. There are no additional III technical requirements for an A-NFF state unless the state needs to program for the EHN message to submit supplemental identifiers.

Are there any new NGI technical requirements for NFF participation?

Yes. A Traditional NFF state must program for the submission of one new NGI TOT, the FIS TOT. An A-NFF state must program to include the FBI UCN on all second and subsequent arrests submitted via the CAR TOT, as well as receive additional NGI error messages, if necessary.

Must a Traditional NFF state program for all new technical requirements prior to participation?

No. In November 2010, the Council approved a “phased-in” approach to NFF implementation which is only applicable for Traditional NFF states. This allows a state to implement the changes required for Traditional NFF participation in up to three separate steps. The “phased-in” approach allows states to join the NFF program

expeditiously in light of limited resources. More detailed information regarding the “phased-in” approach to NFF implementation is available on the Compact Council’s JusticeConnect Community on the Law Enforcement Enterprise Portal.

Can an NFF state seal an entire criminal history record for an authorized purpose?

Yes. A state statute may authorize that an NFF state's entire criminal history record cannot be disseminated for a specific purpose(s). The III contains a feature that sets flags to indicate that the state's criminal history record is sealed, thus only providing the criminal history record to authorized agencies for authorized purposes.

Are NFF states audited?

Once a state becomes an NFF participant, the CJIS Audit Unit (CAU) performs an NFF audit during the regular triennial NGI audit. CAU compares the state's NFF performance to the *State NFF Qualification Requirements*. The CAU and the Council's Sanctions Committee consider the first NFF audit as an information sharing, educational assessment that is designed to assist the NFF state in meeting the *State NFF Qualification Requirements*.

Who can a state contact to get more information about the NFF Program?

The state should contact the FBI’s Compact Office at compactoffice@fbi.gov.

Frequently Asked Questions Regarding the National Crime Prevention and Privacy Compact Act of 1998

APPENDICES A through F

Appendix

- A** NATIONAL CRIME PREVENTION AND PRIVACY COMPACT ACT OF 1998 UNITED STATES CODE, TITLE 34, CHAPTER 140, SUBCHAPTER II, SECTIONS 40311-40316 (FORMERLY CITED AS TITLE 42, CHAPTER 140, SUBCHAPTER II, SECTIONS 14611-14616)
- B** SAMPLE COPIES OF COMPACT LEGISLATION
- C** NOTICE OF TWO ACCEPTED METHODS FOR DETERMINING POSITIVE IDENTIFICATION FOR EXCHANGING CRIMINAL HISTORY RECORD INFORMATION FOR NONCRIMINAL JUSTICE PURPOSES
- D** NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL BYLAWS
- E** MEMORANDUM OF UNDERSTANDING
- F** *FEDERAL REGISTER* NOTICE OF APPROVAL OF THE NATIONAL FINGERPRINT FILE QUALIFICATION REQUIREMENTS

Appendix A

National Crime Prevention and Privacy Compact of 1998

See <https://www.fbi.gov/services/cjis/compact-council/the-compact>

Appendix B

Sample Copies of Compact Legislation

FLORIDA

ENROLLED

1999 Legislature

HB 391, First Engrossed

1 943.0543 National Crime Prevention and Privacy
2 Compact; ratification and implementation.--
3 (1) In order to facilitate the authorized interstate
4 exchange of criminal history information for noncriminal
5 justice purposes, including, but not limited to, background
6 checks for the licensing and screening of employees and
7 volunteers under the National Child Protection Act of 1993, as
8 amended, and to implement the National Crime Prevention and
9 Privacy Compact, 42 U.S.C. s. 14616, the Legislature approves
10 and ratifies the compact. The executive director of the
11 Department of Law Enforcement shall execute the compact on
12 behalf of the state.
13 (2) The department is the repository of criminal
14 history records for purposes of the compact and shall do all
15 things necessary or incidental to carrying out the compact.
16 (3) The executive director of the department, or the
17 director's designee, is the state's compact officer and shall
18 administer the compact within the state. The department may
19 adopt rules and establish procedures for the cooperative
20 exchange of criminal history records between the state and
21 Federal Government for use in noncriminal justice cases.
22 (4) The state's ratification of the compact remains in
23 effect until legislation is enacted which specifically
24 renounces the compact.
25 (5) This compact and this section do not affect or
26 abridge the obligations and responsibilities of the department
27 under other provisions of this chapter, including s. 943.053,
28 and does not alter or amend the manner, direct or otherwise,
29 in which the public is afforded access to criminal history
30 records under state law.

31

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CODING: words ~~stricken~~ are deletions; words underlined are additions

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1024

Short Title: Criminal History Record Checks. (Public)
Sponsors: Representatives Goodwin; Farmer-Butterfield,
Goforth, Jones, and Parmon.
Referred to: Judiciary II.

April 10, 2003

A BILL TO BE ENTITLED
AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY
COMPACT FOR NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 114 of the
General Statutes is amended by:

- (1) Designating G.S. 114-12 through G.S. 114-19 as:
"Part 1. General Powers and Duties of the State Bureau of
Investigation.";
- (2) Designating G.S. 114-19.1 through G.S. 114-19.11 as:
"Part 2. Criminal History Record Checks.";
- (3) Designating G.S. 114-20 through G.S. 114-21 as:
"Part 3. Protection of Public Officials.";
- (4) Recodifying G.S. 114-21 as G.S. 114-12.1.

SECTION 2. Part 2 of Article 4 of Chapter 114 of
the General Statutes is amended by adding the following new
section to read:

"§ 114-19.20. The National Crime Prevention and Privacy
Compact.

The National Crime Prevention and Privacy Compact is
enacted into law and entered into with all jurisdictions legally
joining in the compact in the form substantially as set forth in
this section, as follows:

Preamble.

Whereas, it is in the interest of the State to facilitate
the dissemination of criminal history records from other states
for use in North Carolina as authorized by state law; and

Whereas, the National Crime Prevention and Privacy Compact
creates a legal framework for the cooperative exchange of
criminal history records for noncriminal justice purposes;
and

Whereas, the compact provides for the organization of an
electronic information-sharing system among the federal
government and the states to exchange criminal history records
for noncriminal justice purposes authorized by federal or state
law, such as background checks for governmental licensing and
employment; and

Whereas, under the compact, the FBI and the party states
agree to maintain detailed databases of their respective
criminal history records, including arrests and dispositions,
and to make them available to the federal government and party
states for authorized purposes; and

Whereas, the FBI shall manage the federal data facilities that provide a significant part of the infrastructure for the system; and

Whereas, entering into the compact would facilitate the interstate and federal-state exchange of criminal history information to streamline the processing of background checks for noncriminal justice purposes; and

Whereas, release and use of information obtained through the system for noncriminal justice purposes would be governed by the laws of the receiving state; and

Whereas, entering into the compact will provide a mechanism for establishing and enforcing uniform standards for record accuracy and for the confidentiality and privacy interests of record subjects.

Article I.

Definitions.

As used in this compact, the following definitions apply:

- (1) "Attorney General" means the Attorney General of the United States.
- (2) "Compact officer" means:
 - a. With respect to the federal government, an official so designated by the director of the FBI; and
 - b. With respect to a party state, the chief administrator of the state's criminal history record repository or a designee of the chief administrator who is a regular, full-time employee of the repository.
- (3) "Council" means the compact council established under Article VI.
- (4) "Criminal history record repository" means the State Bureau of Investigation's Division of Criminal Information.
- (5) "Criminal history records" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges and any disposition arising therefrom, including acquittal, sentencing, correctional supervision or release. The term does not include identification information such as fingerprint records if the information does not indicate involvement of the individual with the criminal justice system.
- (6) "Criminal justice" includes activities relating to the detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records.
- (7) "Criminal justice agency" means: (i) courts; and (ii) a governmental agency or any subunit of an agency that performs the administration of criminal justice pursuant to a statute or executive order and allocates a substantial part of its annual budget to the

administration of criminal justice. The term includes federal and state inspector general offices.

- (8) "Criminal justice services" means services provided by the FBI to criminal justice agencies in response to a request for information about a particular individual or as an update to information previously provided for criminal justice purposes.
- (9) "Direct access" means access to the national identification index by computer terminal or other automated means not requiring the assistance of or intervention by any other party or agency.
- (10) "Executive order" means an order of the President of the United States or the chief executive officer of a state that has the force of law and that is promulgated in accordance with applicable law.
- (11) "FBI" means the Federal Bureau of Investigation.
- (12) "III system" means the interstate identification index system, which is the cooperative federal-state system for the exchange of criminal history records. The term includes the national identification index, the national fingerprint file, and, to the extent of their participation in the system, the criminal history record repositories of the states and the FBI.
- (13) "National fingerprint file" means a database of fingerprints or of other uniquely personal identifying information that relates to an arrested or charged individual and that is maintained by the FBI to provide positive identification of record subjects indexed in the III system.
- (14) "National identification index" means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III system.
- (15) "National indices" means the national identification index and the national fingerprint file.
- (16) "Noncriminal justice purposes" means uses of criminal history records for purposes authorized by federal or state law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.
- (17) "Nonparty state" means a state that has not ratified this compact.
- (18) "Party state" means a state that has ratified this compact.
- (19) "Positive identification" means a determination, based upon a comparison of fingerprints or other equally reliable biometric identification techniques, that the subject of a

record search is the same person as the subject of a criminal history record or records indexed in the III system. Identifications based solely upon a comparison of subjects' names or other nonunique identification characteristics or numbers, or combinations thereof, does not constitute positive identification.

(20) "Sealed record information"

means:

a. With respect to adults, that portion of a record that is:

1. Not available for criminal justice uses;
2. Not supported by fingerprints or other accepted means of positive identification; or
3. Subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a federal or state statute that requires action on a sealing petition filed by a particular record subject; and

b. With respect to juveniles, whatever each state determines is a sealed record under its own law and procedure.

(21) "State" means any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article II.

Purposes.

The purposes of this compact are to:

- (1) Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses;
- (2) Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI;
- (3) Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI;
- (4) Provide for the establishment of a council to monitor III system operations and to prescribe system rules and procedures for the effective and proper operation of the III system

- for noncriminal justice purposes; and
- (5) Require the FBI and each party state to adhere to III system standards concerning record dissemination and use, response times, system security, data quality, and other duly established standards, including those that enhance the accuracy and privacy of such records.

Article III.

Responsibilities of Compact Parties

- (a) The director of the FBI shall:
- (1) Appoint an FBI compact officer who shall:
- a. Administer this compact within the Department of Justice and among federal agencies and other agencies and organizations that submit search requests to the FBI pursuant to Article V(c);
- b. Ensure that compact provisions and rules, procedures, and standards prescribed by the council under Article VI are complied with by the Department of Justice and federal agencies and other agencies and organizations referred to in sub-subdivision (a)(1)a. of this Article III; and
- c. Regulate the use of records received by means of the III system from party states when such records are supplied by the FBI directly to other federal agencies;
- (2) Provide to federal agencies and to state criminal history record repositories criminal history records maintained in its database for the noncriminal justice purposes described in Article IV, including:
- a. Information from nonparty states; and
- b. Information from party states that is available from the FBI through the III system but is not available from the party states through the III system;
- (3) Provide a telecommunications network and maintain centralized facilities for the exchange of criminal history records for both criminal justice purposes and the noncriminal justice purposes described in Article IV and ensure that the exchange of records for criminal justice purposes has priority over exchange for noncriminal justice purposes; and
- (4) Modify or enter into user agreements with nonparty state criminal history record repositories to require them to establish record request procedures conforming to those prescribed in Article V.
- (b) Each party state shall:
- (1) Appoint a compact officer who shall:
- a. Administer this compact within that state;
- b. Ensure that compact provisions and rules, procedures, and standards established by the council under Article VI are complied

with in the state; and

c. Regulate the in-state use of records received by means of the III system from the FBI or from other party states;

(2) Establish and maintain a criminal history record repository, which shall provide:

a. Information and records for the national identification index and the national fingerprint file; and

b. The state's III system-indexed criminal history records for noncriminal justice purposes described in Article IV;

(3) Participate in the national fingerprint file; and

(4) Provide and maintain telecommunications links and related equipment necessary to support the criminal justice services set forth in this compact.

(c) In carrying out their responsibilities under this compact, the FBI and each party state shall comply with III system rules, procedures, and standards duly established by the council concerning record dissemination and use, response times, data quality, system security, accuracy, privacy protection, and other aspects of III system operation.

(d) Use of the III system for noncriminal justice purposes authorized in this compact must be managed so as not to diminish the level of services provided in support of criminal justice purposes. Administration of compact provisions may not reduce the level of service available to authorized noncriminal justice users on the effective date of this compact.

Article IV.

Authorized Record Disclosures.

(a) To the extent authorized by section 552a of Title 5, United States Code (commonly known as the Privacy Act of 1974), the FBI shall provide on request criminal history records, excluding sealed record information, to state criminal history record repositories for noncriminal justice purposes allowed by federal statute, federal executive order, or a state statute that has been approved by the Attorney General to ensure that the state statute explicitly authorizes national indices checks.

(b) The FBI, to the extent authorized by section 552a of Title 5, United States Code (commonly known as the Privacy Act of 1974), and state criminal history record repositories shall provide criminal history records, excluding sealed record information, to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by federal statute, federal executive order, or a state statute that has been approved by the Attorney General to ensure that the state statute explicitly authorizes national indices checks.

(c) Any record obtained under this compact may be used only for the official purposes for which the record was requested. Each compact officer shall establish procedures consistent with this compact and with rules, procedures, and standards established by the council under Article VI, which procedures shall protect the accuracy and privacy of the records and shall:

(1) Ensure that records obtained under this compact are used only by authorized officials

for authorized purposes;

- (2) Require that subsequent record checks are requested to obtain current information whenever a new need arises; and
- (3) Ensure that record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate "no record" response is communicated to the requesting official.

Article V.

Record Request Procedures.

(a) Subject fingerprints or other approved forms of positive identification must be submitted with all requests for criminal history record checks for noncriminal justice purposes.

(b) Each request for a criminal history record check utilizing the national indices made under any approved state statute must be submitted through that state's criminal history record repository. A state criminal history record repository shall process an interstate request for noncriminal justice purposes through the national indices only if the request is transmitted through another state criminal history record repository or the FBI.

(c) Each request for criminal history record checks utilizing the national indices made under federal authority must be submitted through the FBI or, if the state criminal history record repository consents to process fingerprint submissions, through the criminal history record repository in the state in which the request originated. Direct access to the national identification index by entities other than the FBI and state criminal history record repositories may not be permitted for noncriminal justice purposes.

(d) A state criminal history record repository or the FBI:

- (1) May charge a fee, in accordance with applicable law, for handling a request involving fingerprint processing for noncriminal justice purposes; and
- (2) May not charge a fee for providing criminal history records in response to an electronic request for a record that does not involve a request to process fingerprints.

- (e) (1) If a state criminal history record repository cannot positively identify the subject of a record request made for noncriminal justice purposes, the request, together with fingerprints or other approved identifying information, must be forwarded to the FBI for a search of the national indices.
- (2) If, with respect to a request forwarded by a state criminal history record repository under subdivision (e) (1) of this Article V, the FBI positively identifies the subject as having a III system-indexed record or records:
 - a. The FBI shall so advise the state criminal history record repository; and
 - b. The state criminal history record repository is entitled to obtain the additional criminal history record information

from the FBI or other state criminal history record repositories.

Article VI.

Establishment of Compact Council.

(a) There is established a council to be known as the compact council which has the authority to promulgate rules and procedures governing the use of the III system for noncriminal justice purposes, not to conflict with FBI administration of the III system for criminal justice purposes. The council shall:

- (1) Continue in existence as long as this compact remains in effect;
- (2) Be located, for administrative purposes, within the FBI; and
- (3) Be organized and hold its first meeting as soon as practicable after the effective date of this compact.

(b) The council must be composed of 15 members, each of whom must be appointed by the Attorney General, as follows:

- (1) Nine members, each of whom shall serve a two-year term, who must be selected from among the compact officers of party states based on the recommendation of the compact officers of all party states, except that in the absence of the requisite number of compact officers available to serve, the chief administrators of the criminal history record repositories of nonparty states must be eligible to serve on an interim basis;
- (2) Two at-large members, nominated by the director of the FBI, each of whom shall serve a three-year term, of whom:
 - a. One must be a representative of the criminal justice agencies of the federal government and may not be an employee of the FBI; and
 - b. One must be a representative of the noncriminal justice agencies of the federal government;
- (3) Two at-large members, nominated by the chair of the council once the chair is elected pursuant to subsection (c)(3) of this Article VI, each of whom shall serve a three-year term, of whom:
 - a. One must be a representative of state or local criminal justice agencies; and
 - b. One must be a representative of state or local noncriminal justice agencies;
- (4) One member who shall serve a three-year term and who shall simultaneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board; and
- (5) One member, nominated by the director of the FBI, who shall serve a three-year term and who must be an employee of the FBI.

(c) From its membership, the council shall elect a chair and a vice-chair of the council. Both the chair and vice-chair of the council: (i) must be a compact officer, unless there is no compact officer on the council who is willing to

serve, in which case the chair may be an at-large member and (ii) shall serve two-year terms and may be reelected to only one additional two-year term. The vice-chair of the council shall serve as the chair of the council in the absence of the chair.

(d) The council shall meet at least once each year at the call of the chair. Each meeting of the council must be open to the public. The council shall provide prior public notice in the federal register of each meeting of the council, including the matters to be addressed at the meeting. A majority of the council or any committee of the council shall constitute a quorum of the council or of a committee, respectively, for the conduct of business. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

(e) The council shall make available for public inspection and copying at the council office within the FBI and shall publish in the federal register any rules, procedures, or standards established by the council.

(f) The council may request from the FBI reports, studies, statistics, or other information or materials that the council determines to be necessary to enable the council to perform its duties under this compact. The FBI, to the extent authorized by law, may provide assistance or information upon a request.

(g) The chair may establish committees as necessary to carry out this compact and may prescribe their membership, responsibilities, and duration.

Article VII.

Ratification of Compact.

This compact takes effect upon being entered into by two or more states as between those states and the federal government. When additional states subsequently enter into this compact, it becomes effective among those states and the federal government and each party state that has previously ratified it. When ratified, this compact has the full force and effect of law within the ratifying jurisdictions. The form of ratification must be in accordance with the laws of the executing state.

Article VIII.

Miscellaneous Provisions.

(a) Administration of this compact may not interfere with the management and control of the director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act (5 U.S.C. App.) for all purposes other than noncriminal justice.

(b) Nothing in this compact may require the FBI to obligate or expend funds beyond those appropriated to the FBI.

(c) Nothing in this compact may diminish or lessen the obligations, responsibilities, and authorities of any state, whether a party state or a nonparty state, or of any criminal history record repository or other subdivision or component thereof under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544) or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the council under Article VI(a), regarding the use and dissemination of criminal history records and information.

Article IX.

Renunciation.

(a) This compact shall bind each party state until renounced by the party state.

(b) Any renunciation of this compact by a party state must:

(1) Be effected in the same manner by which the party state ratified this compact; and

(2) Become effective 180 days after written notice of renunciation is provided by the party state to each other party state and to the federal government.

Article X.

Severability.

The provisions of this compact must be severable. If any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or to the Constitution of the United States or if the applicability of any phrase, clause, sentence, or provision of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of the remainder of the compact to any government, agency, person, or circumstance may not be affected by the severability. If a portion of this compact is held contrary to the constitution of any party state, all other portions of this compact must remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected, as to all other provisions.

Article XI.

Adjudication of Disputes.

(a) The council:

(1) Has initial authority to make determinations with respect to any dispute regarding:

- a. Interpretation of this compact;
- b. Any rule or standard established by the council pursuant to Article VI; and
- c. Any dispute or controversy between any parties to this compact; and

(2) Shall hold a hearing concerning any dispute described in subdivision (a)(1) of this Article XI at a regularly scheduled meeting of the council and only render a decision based upon a majority vote of the members of the council. The decision must be published pursuant to the requirements of Article VI(e).

(b) The FBI shall exercise immediate and necessary action to preserve the integrity of the III system, to maintain system policy and standards, to protect the accuracy and privacy of records, and to prevent abuses until the council holds a hearing on the matters.

(c) The FBI or a party state may appeal any decision of the council to the Attorney General and after that appeal may file suit in the appropriate district court of the United States that has original jurisdiction of all cases or controversies arising under this compact. Any suit arising under this compact and initiated in a state court must be removed to the appropriate district court of the United States in the manner provided by section 1446 of Title 28, United States Code,

or other statutory authority."

SECTION 3. The North Carolina Attorney General shall report to the General Assembly on or before March 1, 2004 on the following:

- (1) The compact officer to be appointed pursuant to Article III of the National Crime Prevention and Privacy Compact.
- (2) Any rules or procedures to be adopted to implement the Compact.
- (3) Any provisions of the General Statutes that must be repealed or amended to conform to the Compact.

SECTION 4. This act is effective when it becomes law.

Appendix C

Notice of Two Accepted Methods for Determining Positive Identification for Exchanging Criminal History Record Information for Noncriminal Justice Purposes

See <https://www.govinfo.gov/content/pkg/FR-2005-06-22/pdf/05-12328.pdf>

Appendix D

National Crime Prevention and Privacy Compact Council Bylaws

See <https://www.fbi.gov/file-repository/compact-council-bylaws.pdf/view>

Appendix E

Memorandum of Understanding

A MEMORANDUM OF UNDERSTANDING

Between

The (Agency) _____

And

THE NATIONAL CRIME PREVENTION
AND PRIVACY COMPACT COUNCIL

This Memorandum of Understanding (MOU) is an agreement between the (Agency) _____ of the nonparty state of _____ and the National Crime Prevention and Privacy Compact Council (Council) established pursuant to the National Crime Prevention and Privacy Compact (Compact), Title 34, United States Code, Sections 40311 – 40316 (formerly cited as Title 42, United States Code, Sections 14611 – 14616); Public Law 105-251 (1998).

WHEREAS the Compact was ratified by the Federal Government on October 9, 1998, and, by its terms, became effective when ratified by the second state on April 28, 1999; and

WHEREAS pursuant to the terms of the Compact, the Federal Bureau of Investigation (FBI) is a party to the Compact and subject to its terms; and

WHEREAS since it became effective, additional states have ratified the Compact, thereby becoming parties to it (party states) and subject to its terms; and

WHEREAS it is anticipated that nonparty states will ultimately ratify the Compact, thereby becoming party states; and

WHEREAS Article VI of the Compact establishes the Compact Council and authorizes it to promulgate rules and procedures governing the use of the Interstate Identification Index (III) System for noncriminal justice purposes, not to conflict with FBI administration of the III System for criminal justice purposes; and

WHEREAS Article III, Section (c), of the Compact provides that in carrying out their responsibilities under the Compact, the FBI and party states shall comply with III System rules, procedures and standards duly established by the Compact Council concerning record dissemination and use, response times, data quality, system security, accuracy, privacy protection and other aspects of III System operation; and

WHEREAS Article IV of the Compact requires the FBI and party states to provide criminal history records (excluding sealed records) to criminal justice agencies (including state criminal history record repositories) and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by federal statute, federal executive order or a state statute that has been approved by the U. S. Attorney General that authorizes checks of the national indices;

THEREFORE the Council and the state criminal history record repository voluntarily enter into this MOU setting out the terms under which the FBI and party states will provide criminal history records to the state criminal history record repository by means of the III System for use by legally authorized agencies in the State, as follows:

1. **Availability of III System**

Pursuant to the Compact, the FBI will provide the state criminal history record repository with access to the III System, including the National Identification Index, the National Fingerprint File and related computer and communication facilities, for use in processing requests for criminal history record searches for legally authorized noncriminal justice purposes.

2. **Provision of Records**

Pursuant to the Compact, the FBI (subject to the Privacy Act of 1974, 5 United States Code § 552a) and party state repositories that are participating in the National Fingerprint File will provide criminal history records (excluding sealed records) to the state criminal history record repository for use by governmental and nongovernmental agencies in the State for noncriminal justice purposes allowed by federal statute, federal executive order or a state statute that has been approved by the U. S. Attorney General that authorizes checks of the national indices.

3. **Applicable Rules and Procedures**

The use of the III System by the state criminal history record repository for noncriminal justice purposes and the use by agencies within the State of records obtained by means of the III System for such purposes will be governed by the Compact and by rules and procedures duly established by the Compact Council. Applicable provisions of the Compact include Article IV (Authorized Record Disclosures by Compact Parties), Article V (Record Request Procedures), Article XI (Adjudication of Disputes) and other provisions that are applicable to the use of the III System for noncriminal justice purposes. Provisions of the Compact and related Compact Council rules that concern the responsibilities of compact parties as record providers and as participants in the National Fingerprint File, including sections (a) and (b) of Article III (Responsibilities of Compact Parties), shall not be applicable. This MOU does not require the state criminal history record repository or any agency in the State to submit any criminal history record information to the FBI nor to provide any criminal history records to any out-of-state or federal agency or organization for any purpose.

4. **Verification of Compliance; Sanctions**

Verification of compliance with the terms of this MOU will be accomplished by Audits and investigations conducted by the FBI Audit Staff. The state criminal history record repository will comply with all applicable audit requirements and will cooperate in

the performance of audits and investigations. Violations of the terms of access to the III System for noncriminal justice purposes accorded by this MOU or misuse of criminal history record information obtained by means of such access will be reported to the Council and may result in the imposition of sanctions which may include discontinuation of access to the III System for noncriminal justice purposes.

5. **Points of Contact**

The state criminal history record repository shall appoint a Compact Liaison Officer who shall be the point of contact for oversight and enforcement of the terms of this MOU. The point of contact for the FBI and the Compact Council shall be the FBI Compact Officer in the Compact Council Office, FBI CJIS Division, 1000 Custer Hollow Rd., Clarksburg, WV 26306-0145, [telephone: 304-625-2736].

6. **Legal Effect of MOU**

This MOU is a formal expression of the purposes and intent of the parties to it. Nothing in this MOU shall be construed to impose obligations on, or to bind, Compact party states or the United States beyond the requirements imposed by the Compact. It does not confer, grant or authorize any rights, privileges or obligations to any organization or person other than the parties to it and their official representatives. By written concurrence of both parties, it may be amended by the modification or deletion of any provision or by the addition of new provisions. This MOU is executed by the signatories in both an individual and representative capacity and shall remain in effect until an affirmative action is taken to amend or rescind it.

THE UNDERSIGNED PARTIES HEREBY AGREE TO ENTER INTO AND BE BOUND BY THIS MEMORANDUM OF UNDERSTANDING.

ENTERED INTO AND AGREED UPON By:

The (Agency) _____

By _____ [Signature]
[Printed Name and Title of Authorized Official]

[Date]

The National Crime Prevention and Privacy Compact Council

By _____ [Date]
[Printed Name of Council Chair], Chair

Appendix F

***Federal Register* Notice of Approval of the National Fingerprint File Qualification Requirements**

See [https://www.govinfo.gov/content/pkg/
FR-2005-06-22/pdf/05-12329.pdf](https://www.govinfo.gov/content/pkg/FR-2005-06-22/pdf/05-12329.pdf)