

NATIONAL FINGERPRINT-BASED BACKGROUND CHECKS - STEPS FOR SUCCESS

The National Crime Prevention and Privacy Compact Act of 1998 established the Compact Council (Council), which oversees the use of criminal history record information (CHRI) for noncriminal justice purposes. (Title 42, United States Code (U.S.C.), Section 14616.) The Council also has the authority to promulgate rules and procedures pertaining to such use. The following steps for success are consistent with the Council's authority pertaining to national background checks for noncriminal justice purposes, such as licensing and employment

- **The check must be fingerprint-based. (42 U.S.C. § 14616, Article V)¹**

This provides positive identification and eliminates the false positives and false negatives associated with name-based checks, thus, ensuring a prohibited individual is not licensed/employed.

- **The check should be submitted through the state's central record repository and include a state criminal history record check.**

Consistent with agreements the FBI has with the states, the fingerprints should be submitted through the state central record repository for a state criminal history record check. The FBI has established relationships with the state repositories that include fingerprint submission processes, billing agreements, and dissemination of CHRI to authorized recipients. The state check also provides the benefit of obtaining additional CHRI that may not be maintained by the FBI.

- **Use and dissemination of criminal history record information will be subject to the Council's authority. (42 U.S.C. §14616, Article IV(c))**

Any rules and procedures established by the Council protect the accuracy and privacy of the records and ensure the records are only used for authorized purposes.

- **The check should support the right of states to establish their own state fee structure for processing fingerprint-based criminal background checks for noncriminal justice purposes. (42 U.S.C. § 14616, Article V(d))**

Each state's cost to process a noncriminal justice background check varies and is dependent on many factors, such as the services each state provides.

- **The check and the use and dissemination of criminal history record information must comply with the Privacy Act of 1974 and the individual notice and access rights of Title 28, Code of Federal Regulations, Sections 50.12 and 16.30-16.34.**

¹ Pursuant to 42 U.S.C. § 14614, the Compact may not interfere with specified statutory authorities, such as existing federal statutes that permit name-based checks.