## Information Exchange Agreement

The purpose of this information exchange agreement is to outline the roles, responsibilities, and data ownership between two agencies in regards to the transmission, handling, storage, and destruction of criminal justice information (CJI) received through the Department of Justice Tribal Access Program (TAP) to protect CJI from unauthorized disclosure, alteration, or misuse. The exchange of information may take several forms including but not limited to electronic mail, instant messages, web services, facsimiles, hard copy, and information systems sending, receiving and storing CJI.

This information exchange agreement is between [insert agency name] Agency known as the Servicing Agency (SRA) who will run the transactions and [insert agency name] known as the Serviced Agency (SA) will receive the results from those transactions.

Common examples:

* Police department performs fingerprint-based background checks for social services for foster care placement
* Police department can enter protection orders on behalf of the Tribal court(s)
* Criminal Court runs criminal history for Child Protective Services (CPS)

Check which agency types will be using the above model:

* **CJA 🡪 CJA** - This servicing model can be used when a criminal justice agency (CJA) performs a finger print- based record check; name- based record check, or transaction into National Crime Information Center (NCIC) for another CJA.
* **CJA 🡪 NCJA** - This servicing model can be used when a CJA performs a performs a finger print- based record check, name- based record check, or transaction into NCIC for a non-criminal justice agency (NCJA).
* **NCJA 🡪 NCJA** - *This servicing model must be supported by a separate document, an outsourcing agreement. Please speak with your BRM for more information.*

Agencies need to decide on **one** of two servicing models:

❑ Option 1: Servicing Agency provides CJI to the Serviced Agency – Complete Option 1

❑ Option 2: Servicing Agency provides Go/No Decision to the Serviced Agency (No CJI transferred) – Complete Option 2

Complete Option 1 or 2 depending on your choice above.

*If the Servicing Agency will be providing CJI to two or more Serviced Agencies, then a single form may be used with multiple signature blocks for each Serviced Agency. (e.g. Law Enforcement is providing support to Human Resources and Child Protection Services and are following the same service model).*

**Option 1**

1. ***Servicing Agency provides CJI to a Serviced Agency***

A Servicing Agency with a TAP issued ORI performs all legally authorized transactions (e.g. fingerprint-based background checks, NCIC entries, name-based record checks) utilizing the TAP workstation on the behalf a Serviced Agency with a TAP issued ORI. The Servicing Agency will provide the Serviced Agency with resulting CJI that will need to be protected.

**Both Agency’s role and responsibility**

1. Ensure all personnel with access to criminal justice information meet all applicable access requirements.
2. Complete FBI Criminal Justice Information Systems (CJIS) Security Awareness Training and Certification
3. Complete a fingerprint-based background check for individuals with access to CJI
4. Ensure individuals with access to DOJ CJIN systems have the appropriate training and certification to access DOJ CJIN systems.
   1. All sworn personnel must complete the National Crime Information Center (NCIC) Training. All personnel who are NCIC operators (hands on keyboard) must also complete the NCIC certification.

**Serviced Agency’s role and responsibility**

1. Ensure the transaction is legally authorized.
2. Ensure that all CJI is transmitted handled, stored, and destroyed in accordance to FBI (CJIS) Security Policy guidelines.
3. Ensure data entry; documentation; cancellation and modification of entries; timeliness of entries, cancellations, and modifications; hit confirmation; second party checks; and validation of entries are completed in accordance with DOJ and CJIS policy.

**Servicing Agency’s role and responsibility**

1. The Servicing Agency must use the ORI of the Serviced Agency.
2. Ensure that all CJI is transmitted handled, stored, and destroyed in accordance to FBI CJIS Security Policy guidelines.
3. Ensure individuals with access to DOJ CJIN systems have the appropriate training and certification to access DOJ CJIN systems.
4. The Servicing Agency must be legally authorized by this agreement to perform the transactions they are performing for the Serviced Agency.
5. Perform DOJ CJIN requirements for access to DOJ CJIN systems such as sponsoring members for LEEP accounts.

Explain how CJI is going to be transferred between the agencies (e.g. scanning results and sending it via secure network, leaving it a front counter in manila envelope for pick up):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Explain how CJI is going to be stored while in use by the agencies (e.g. in secure room, locked file cabinet):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Explain how CJI is going to be destroyed (e.g. shredded or burned):\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Detail any internal audit process the serviced agency has to ensure the servicing agency is in compliance with DOJ CJIN and FBI CJIS regulations:

Examples include:

* CJI Dissemination Log will be maintained to document dissemination of CJI to another agency;
* Ensure proper ORI and Reason Fingerprinted Codes are used  (e.g. Police Department running fingerprint check but must use Housing ORI and Reason Fingerprinted 25 USC 4138)
* Provide fingerprint subject with the “Notice of Criminal History Check and Right to Challenge” notice
* Ensure that information is stored and transmitted securely and destroyed appropriately between the agencies
* Ensure completion of training requirements to maintain access to CJI (e.g. CJIS Security Awareness Training every 2 years)
* Ensure fingerprint-based background checks every 5 years for personnel that have access to CJI

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**Option 2**

1. ***Servicing Agency Provides “Go/No Go” Decision to Serviced Agency***

This option allows the Serviced and Servicing Agencies to adopt a “Go/No Go” model for name based and fingerprint-based record checks.

In this model, the Serviced Agency provides to the Servicing Agency a list of disqualifying criteria. The Servicing Agency conducts the name based or fingerprint-based background checks on behalf of the Serviced Agency, reviews the record, and provides a “Go” or “No Go” answer based upon the disqualifiers.

In this model, no (CJI) is exchanged. The Servicing Agency may not disseminate any details of the criminal history record to the Serviced Agency, only a “Go” or “No Go.” However, for this “Go/No Go” model, other than the Terminal Agency Coordinator (TAC) of the Serviced Agency, employees of the Serviced Agency do not need to meet background, training, or testing requirements for CJIN systems, because they do not have access to CJI.

**Serviced Agency’s role and responsibility**

1. Ensure the transaction is legally authorized by this agreement.
2. Ensure the Servicing Agency is provided with a list of all disqualifiers.

**Servicing Agency’s role and responsibility**

1. The Servicing Agency must use the ORI of the Serviced Agency.
2. Ensure that all criminal justice information is transmitted handled, stored, and destroyed in accordance to FBI Criminal Justice Information Systems (CJIS) Security Policy guidelines.
3. Make a “Go/No Go” decision based on disqualification criteria provided by the serviced agency.
4. Ensure that no criminal history information is disseminated to the Serviced Agency.

Explain how CJI is going to be stored while in use by the Servicing Agency (e.g. in secure room, locked file cabinet):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Explain how CJI is going to be destroyed by the Servicing Agency (e.g. shredded or burned): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Detail any internal audit process the serviced agency has to ensure compliance with TAP regulations by the servicing agency:

Examples include:

* Verify servicing agency is using the proper ORI and Reason Fingerprinted Codes (e.g. Police Department will conduct fingerprint check but must use Housing ORI and Reason Fingerprinted (25 USC 4138))
* Ensure completion of training requirements to maintain access to CJI (e.g. CJIS Security Awareness Training every 2 years)
* Provide fingerprint subject with the “Notice of Criminal History Check and Right to Challenge” notice
* Ensure fingerprint-based background checks every 5 years for personnel that have access to CJI

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**Acknowledgements:**

IN WITNESS WHEREOF, the parties hereto caused this agreement to be executed by the proper officers and officials. The Serviced or Servicing Agency signatory is normally the director of that agency.

This agreement shall become effective upon the date signed.

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| Serviced Agency #1 Signatory | Agency, Title and Printed Name | Date |
|  |  |  |
| Serviced Agency #1 Terminal Agency Coordinator | Agency, Title and Printed Name | Date |
|  |  |  |
| Serviced Agency #2 Signatory | Agency, Title and Printed Name | Date |
|  |  |  |
| Serviced Agency #2 Terminal Agency Coordinator | Agency, Title and Printed Name | Date |
|  |  |  |
| Servicing Agency Signatory | Agency, Title and Printed Name | Date |
|  |  |  |
| Servicing Agency Terminal Agency Coordinator | Agency, Title and Printed Name | Date |