



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 XXXX Agency known as the Serviced Agency (SA), who will run transaction and XXX known as the Servicing Agency (SRA) who will receive the results from those transactions.

Agencies may decide to use either of the two servicing models described below to exchange CJI. 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. Only one of the following Service Models should be completed on each form.

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

A CSA "Servicing Agency" with a DOJ TAP issued Originating Agency Identifier (ORI) performs all legally authorized transactions (e.g. fingerprint-based background checks, NCIC entries, name-based record checks) utilizing the TAP workstation on their behalf a "Serviced Agency" with a TAP issued ORI.

Both Agency's role and responsibility

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

Serviced Agency's role and responsibility

- A. Ensure the transaction is legally authorized.
- B. Ensure that all CJI is transmitted handled, stored, and destroyed in accordance to FBI (CJIS) Security Policy guidelines.



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- C. 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

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

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

Explain how CJJ is going to be stored while in use by the agencies (i.e. in secure room, locked file cabinet): _____

Explain how CJJ is going to be destroyed (i.e. shredded, burned): _____

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

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 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 can be used when a non-criminal justice agency (NCJA) performs a finger print- based record check, name- based record check, or transaction into NCIC for another NCJA.
- **NCJA → CJA** This servicing model can be used when a non-criminal justice agency (NCJA) performs a finger print- based record check, name- based record check, or transaction into NCIC for criminal justice agency (CJA). In this case, the [insert name of Criminal Justice Agency] shall have the authority, via managed control, to set, maintain, and enforce:
 1. Priorities.
 2. Standards for the selection, supervision, and termination of personnel access to Criminal Justice Information (CJI).
 3. Policy governing operation of justice systems, computers, access devices, circuits, hubs, routers, firewalls, and any other components, including encryption, that comprise and support a telecommunications network and related criminal justice systems to include but not limited to criminal history record/criminal justice information, insofar as the equipment is used to process or transmit criminal justice systems information guaranteeing the priority, integrity, and availability of service needed by the criminal justice community.
 4. Restriction of unauthorized personnel from access or use of equipment accessing the State network.
 5. Compliance with all rules and regulations of the (Criminal Justice Agency) Policies and CJIS Security Policy in the operation of all information received.

“...management control of the criminal justice function remains solely with the Criminal Justice Agency.”
Section 5.1.1.4

2. 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 would decide on a list of criteria that would disqualify a candidate if found in the Criminal History and provide that list of disqualifiers to the Servicing Agency. The Servicing Agency would then conduct the name based or fingerprint-based background checks on behalf of the Serviced Agency and provide them only a “Go” or “No Go” answer based upon the Serviced Agency 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.



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Serviced Agency's role and responsibility

- A. Ensure the transaction is legally authorized by this agreement.
- B. Ensure the Servicing Agency is provided with a list of all disqualifiers.

Servicing Agency's role and responsibility

- A. The Servicing Agency must use the ORI of the Serviced Agency.
- B. Ensure that all criminal justice information is transmitted handled, stored, and destroyed in accordance to FBI Criminal Justice Information Systems (CJIS) Security Policy guidelines.
- C. Make a "Go/No Go" decision based on disqualification criteria provided by the serviced agency.
- D. 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 agencies (i.e. in secure room, locked file cabinet):

Explain how CJI is going to be destroyed (i.e. shredded, burned):

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

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 can be used when a non-criminal justice agency (NCJA) performs a performs a finger print- based record check, name- based record check, or transaction into NCIC for another NCJA.



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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.

Serviced Agency Signatory	Agency, Title and Printed Name	Date
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Serviced Agency Terminal Agency Coordinator	Agency, Title and Printed Name	Date
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Servicing Agency Signatory	Agency, Title and Printed Name	Date
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Servicing Agency Terminal Agency Coordinator	Agency, Title and Printed Name	Date
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