



**TRIBAL
ACCESS
PROGRAM**

**FOR NATIONAL CRIME INFORMATION
ENSURING THE EXCHANGE OF CRITICAL DATA**

Next Generation Identification (NGI) Audit Overview for TAP Non-Criminal Justice Agencies



Department of Justice
Office of the Chief Information Officer
Office of Tribal Justice

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Next Generation Identification (NGI) Audit Overview



- The NGI Audit was formerly known as the National Identity Services (NIS) Audit
- The NGI audit's purpose is to ensure compliance with:
 - Interstate Identification Index (III)/National Fingerprint File (NFF) participation standards
 - Federal laws and regulations on the use and dissemination of criminal history record information (CHRI)
 - National Crime Prevention and Privacy Compact (Compact) rules and procedures
- Audit requirements:
 - Continues as long as the Agency has access
 - Occurs at least once in every three year audit cycle
- Personnel Needed:
 - Tribe's Point of contact (POC),
 - Terminal Agency Coordinator (TAC)
 - Information Technology (POC)
 - Individual users may be requested to participate as needed
- DOJ will walk Agency through audit process by providing training and answering DOJ specific questions

What does the NGI Audit Cover?



- NGI audit covers seven areas:
 1. Fingerprinting/Application Process
 2. Receipt of CHRI
 3. Use of CHRI
 4. Adjudication
 5. Applicant Involvement
 6. Handling of CHRI
 7. Name-based CHRI Checks

NGI Audit Area 1: Fingerprinting/Application Process



- Focus on Agency's process for fingerprinting applicants
- Covered areas include:
 - Fingerprint Notification
 - Reason Fingerprinted
 - Privacy Act Statement

NGI Audit Area 1A: Sample of Fingerprinting/Application Process Questions



- How does your Agency ensure the correct Reason Fingerprinted (RFP) codes/legal authorities are used?
- How does your Agency complete the RFP for different applicant types?
- Does your Agency submit fingerprints on behalf of another Agency?
- If yes, does your Agency have the proper agreements in place with the other Agency and ensure all the requirements outlined in the Agreements are met?
- Can your Agency select RFP for other agencies?

Type of Applicant	TAP Agencies	Originating Agency Identifier (ORI) ending	Type of Transaction (TOT)	Reason Fingerprinted (RFP)	Legal Authority	Address to Submit Prints
Criminal Justice Agency personnel, vendors, volunteers working directly for the agency	Law Enforcement, prosecutor, Corrections, Criminal Court, Probation, Pretrial Services	ORI of Agency	Federal Applicant No Charge (FANC)	28 CFR 20 -33 a 1	28 CFR 20 -33 a 1	CAS@usdoj.gov
Criminal Justice Agency Contractors vendors for outsourced resources not under management of agency	Law Enforcement, prosecutor, Corrections, Criminal Court, Probation, Pretrial Services	ORI of Agency	Federal Applicant User Fee (FAUF)	28 CFR 20-33 a 7- Contract Employee	28 CFR 20-33 a 7	CAS@usdoj.gov
Employees, Perspective Employees, or volunteers who have contact and control over Indian Children	Tribal Governmental Social Service Agencies, Human Resources Department	Z	Federal Applicant User Fee (FAUF)	Public Law 101-630	PL 101-630	CAS@usdoj.gov
Employees or Prospective Employees of Public Housing Agency and Adult applicants or tenants receiving housing assistance for the purposes of screening, lease enforcement or eviction	Tribal Public Housing Agencies	Q	Federal Applicant User Fee (FAUF)	25 USC 4138	1. Native American Housing Assistance and Self-Determination Act of 1996 2. Public Law 104-330 3. 25 U.S. Code 4138	CAS@usdoj.gov

NGI Audit Area 1B: Sample of Fingerprinting/Application Process Questions



- Does your Agency notify the individuals fingerprinted *in writing* that the fingerprints will be used to check the Criminal History Records of the FBI (28 C.F.R. 50.12(b))?
- Does your Agency ensure all applicants receive and acknowledge receipt of the Privacy Act statement prior to the submission of fingerprints?

NGI Audit Area 2: Receipt of CHRI



- Focus on Agency's procedures for receiving CHRI
- Covered areas include:
 - Receipt of CHRI

NGI Audit Area 2: Sample of Receipt of CHRI Questions



- How does your Agency receive the CHRI results after the submission of a fingerprint based transaction?
- Has your Agency received CHRI for which have no application or knowledge of why you have received the CHRI?
- Has your Agency received CHRI for a different Agency (i.e., in error)?
- Does your Agency receive a different response if there is a “No Record” versus “Record”?



- Focus on Agency's records and accounting of the purpose of each disclosure of a criminal history record and the recipient of that record
- Covered areas include:
 - Purpose/Need for requesting CHRI
 - Use of CHRI
 - Dissemination of CHRI

NGI Audit Area 3: Sample of Use of CHRI Questions



- For what purpose does your Agency use CHRI?
- What happens if there is a new purpose/need for CHRI?
- Is CHRI reused after the initial inquiry?
- If CHRI is reused for the same purpose, is there a time limit for the reuse?
- Who has access to the CHRI?
- Is CHRI disseminated to any other entity?



- Focus on Agency's process for adjudication and notification to other entities
- Covered areas include:
 - Adjudication Procedures
 - Notification Procedures

NGI Audit Area 4: Sample of Adjudication Questions



- Does anyone other than the authorized recipient take part in the adjudication process?
- Does your Agency use notification letters to notify other entities of the adjudication decision? Do the letters contain CHRI?
- Is there a status notification to entities with "need-to-know" criteria? Is there a status notification to entities with a "no-need-to-know" criteria?
- How does your Agency handle charges without dispositions?
- Does your Agency obtain arrest, disposition, or custody data from other sources (i.e. reach out to other jurisdictions to get the records which appear on the FBI record)?



- Focus on Agency's procedures for providing written notification to applicants regarding opportunities to complete or challenge the accuracy of the record
- Covered areas include:
 - Notice to Complete or Challenge a Record
 - Procedures for Obtaining a Record Change

NGI Audit Area 5:

Sample of Applicant Involvement Questions



- Does your Agency disseminate CHRI to the individual of record?
- How is the information disseminated?
- Can the applicant challenge your Agency's adjudication decision?
- Does your Agency provide the applicant an opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record (28 C.F.R. 50.12(b))? This includes an individual with no record, an individual with a record that could affect adjudication, and an individual with a record that would not affect adjudication.
- Does your Agency provide the applicant reasonable time to correct or complete the record?
- Is CHRI disseminated during a public hearing?
- Does your Agency advise the applicants of the procedures for obtaining a change, correction, or update of an FBI identification record, as set forth in 28 C.F.R. 16.34 (Departmental Order Process) (28 C.F.R. 50.12(b))

NGI Audit Area 6: Handling of CHRI



- Focus on Agency's handling, storage, and disclosure of CHRI
- Covered areas include:
 - Dissemination / Disclosure of CHRI
 - Storage of CHRI and Retention Procedures

NGI Audit Area 6: Sample of Handling of CHRI Questions



- Does your Agency disseminate CHRI to the public?
- Does your Agency maintain CHRI in a manner accessible by the public (i.e. website, open record request)?
- Does your Agency retain CHRI (in hard copy or electronic form), or any documents containing CHRI?
 - Does your Agency have a policy or procedure in place regarding CHRI retention?
 - How does your Agency retain CHRI (hard copies or electronic), or documents containing CHRI?
 - Where and how are hard copies of CHRI records stored?
 - Where and how are soft (electronic) copies of CHRI records stored?
 - When retention of CHRI is no longer required, what is the method of disposal?



- Focus on Agency's procedures for obtaining CHRI via name-based record checks
- Covered areas include:
 - Purpose Areas
 - Name-based record checks
 - BIA Purpose Code X

NGI Audit Area 7: Sample of Name-Based CHRI Checks Questions



Sample of Questions for Social Services Agencies:

- Does your Agency have access to CHRI by means other than fingerprint submission such as access to NCIC/III for name-based CHRI checks?
- For what purposes are name-based CHRI checks submitted?
- Does your Agency submit name-based CHRI checks using Purpose Code C?
- Does your Agency have a criminal justice component with access to NCIC/III for criminal justice functions?
- Are criminal justice functions and accesses kept separate from non-criminal justice functions?
- Does your Agency participate in the BIA Purpose Code X Program for the emergency placement of children checks?
- If your Agency participates in the BIA Purpose Code X Program, does your Agency follow up with fingerprints on individuals where the child has been placed within the required time frame?

NGI Audit Area 7: Sample of Name-Based CHRI Checks Questions (cont'd)



Sample of Questions for Law Enforcement/Public Housing Agencies:

- Does the law enforcement agency submit name-based CHRI checks using Purpose Code H?
- What results are received by the public housing agency?



- Incorrect Originating Agency Identifier (ORI)
- Incorrect Reason Fingerprinted
- Incorrect Type of Transaction/Workflow (FANC vs FAUF)
- Failure to provide applicants with notice of opportunity to complete, or challenge the accuracy of the record



- TAP team support and engagement continues beyond today's training:
 - Contact your Tribe's assigned Business Relationship Manager and cc: tribalaccess@usdoj.gov
 - Please place your Tribe's Name in the subject line of the email
- TAP team will continue to host additional audit webinars
 - Information Technology (IT)
 - National Crime Information Center (NCIC)
 - National Sex Offender Registry (NSOR)
 - National Instant Background Check System (NICS)
 - National Data Exchange (N-DEx)



- Training and reference materials can be found in the JCIS Training and Learning Portal
 - <https://csa.justice.gov/jcis/index.php>
- Contact your Tribe's assigned Business Relationship Manager (BRM) by email with questions
 - Cc: tribalaccess@usdoj.gov
 - Please include your Tribe's name in the subject line of the email
- Technical questions and inquiries should be sent to the Idemia Help Desk
 - For urgent requests, please call 800-734-6241
 - Routine requests can be sent by email to AnaheimCSCenter@us.idemia.com
 - Cc: tribalaccess@usdoj.gov
 - Please include your Tribe's Name in the subject line of the email