

**BELMONT PUBLIC SCHOOLS  
PROTOCOL GOVERNING  
FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
INFORMATION (CHRI) CHECKS  
MADE FOR NON-CRIMINAL JUSTICE PURPOSES**

This protocol is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

**I. Requesting CHRI checks**

Fingerprint-based CHRI checks will only be conducted as authorized by the Massachusetts Department of Elementary and Secondary Education (DESE), in accordance with all applicable state and federal rules and regulations, and in compliance with M.G.L. c. 6, §§ 167-178 and 803 CMR §§ 2.00, *et seq.* If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment (e.g., Identogo web site address, Provider Identification Number (Provider ID))

**II. Access to CHRI**

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with other entities for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Title 28, U.S.C. § 534, Pub. L. 92-544, and Title 28 C.F.R. 20.33(b) provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged with federal and state crimes for the willful, unauthorized disclosure of CHRI.

**III. Storage of CHRI**

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent FBI CJIS Security Protocol. Protocol, have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards.

In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the protocol on the storage and destruction of CHRI.

#### **IV. Retention of CHRI**

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes *only*:

- Historical reference and/or comparison with future CHRI requests
- Dispute of the accuracy of the record
- Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in:

- hard copy form in the BPS School Administration Building, Human Resources locked files
- electronic form on the Human Resources Iron Key (password-protected USB storage), stored within a locked cabinet in the Human Resources office.

#### **IV. CHRI Training**

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at Belmont Public Schools will review and become familiar with the educational and relevant training materials regarding SAFIS and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

In addition to the above, all personnel authorized to receive and/or review CHRI must undergo Security Awareness Training on a biennial basis. This training will be accomplished using the training materials made available by the DCJIS along with the web-based training system known as CJIS Online ([www.CJISonline.com](http://www.CJISonline.com)).

#### **V. Determining Suitability**

In determining an individual's suitability, multiple factors will be considered, including but not limited to:

- fingerprint-based national criminal history record information (CHRI) checks
- Massachusetts Criminal Offender Record Information (CORI) checks
- Reference interviews

#### **VI. Adverse Decisions Based on CHRI**

If inclined to make an adverse decision based on an individual's CHRI, Belmont Public Schools will take the following steps prior to making a final adverse determination:

- Provide the individual with a copy of his/her CHRI used in making the adverse decision;
- Provide the individual with a copy of the Belmont Public Schools CHRI Protocol;
- Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI; and
- Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time to correct or complete the CHRI.

## **VII. Secondary Dissemination of CHRI**

If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI.

The following information will be recorded in the log:

- (1) Subject Name;
- (2) Subject Date of Birth;
- (3) Date and Time of the dissemination;
- (4) Name of the individual to whom the information was provided;
- (5) Name of the agency for which the requestor works;
- (6) Contact information for the requestor; and
- (7) The specific reason for the request.

### **VIII. Local Agency Security Officer**

Each NCJA receiving CHRI is required to designate a Local Agency Security Officer (LASO). An individual designated as LASO is:

- An individual who will be considered part of the NCJA's "authorized personnel" group.
- An individual that has completed a fingerprint-based background check and found appropriate to have access to CHRI.
- An employee directly involved in evaluating an individual's qualifications for employment or assignment.

The Belmont Public Schools LASO is the BPS Director of Human Resources (HR).

The LASO is responsible for the following:

- Identifying who is using or accessing CHRI and/or systems with access to CHRI.
- Identifying and documenting any equipment connected to the state system.
- Ensuring that personnel security screening procedures are followed as stated in this protocol.
- Ensuring the approved and appropriate security measures are in place and working as expected.
- Supporting protocol compliance and ensuring the DCJIS Information Security Officer (ISO) is promptly informed of security incidents.

When changes in the LASO appointment occur, the Belmont Public Schools shall complete and return a new LASO appointment form. The most current copy of the LASO appointment form will be maintained on file indefinitely by the agency.

### **IX. Personnel Security**

#### *All Personnel*

All personnel requiring access to CHRI must first be deemed "Authorized Personnel." Prior to being allowed access to CHRI, such individuals shall complete a fingerprint-based CHRI background check. The DCJIS will review and determine if access is appropriate. Access is denied if the individual has ever had a felony conviction, of any kind, no matter when it occurred. Access may be denied if the individual has one or more recent misdemeanor convictions.

In addition to the above, an individual believed to be a fugitive from justice, or having an arrest history without convictions, will be reviewed to determine if access to CHRI is appropriate. The DCJIS will take into consideration extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.

Persons already having access to CHRI and who are subsequently arrested and/or convicted of a crime will:

- a. Have their access to CHRI suspended until the outcome of an arrest is determined and reviewed by the DCJIS in order to determine if continued access is appropriate.
- b. Have their access suspended indefinitely if a conviction results in a felony of any kind.
- c. Have their access denied by the DCJIS where it is determined that access to CHRI by the person would not be in the public's best interest.

Whenever possible, access to CHRI by support personnel, contractors, and custodial workers will be denied. If a need should arise for such persons to be in an area(s) where CHRI is maintained or processed (at rest or in transit); they will be escorted by, or be under the supervision of, authorized personnel at all times while in these area(s).

#### *Personnel Termination*

The LASO shall terminate access to CHRI immediately upon notification of an individual's termination of employment. Personnel termination will be addressed as follows:

- a. Terminated individual will be notified by the LASO (Director of HR) that their access to CHRI data and systems will be revoked as of their last working day.
- b. Disconnection of the individual's CHRI access will be completed within 24 hours of the individual's last working day.
- c. The LASO will revoke the individual's access to physical CHRI media by obtaining the return of his/her key to the locked HR files.
- d. The individual's access to electronic CHRI media will be revoked by the LASO obtaining the return of his/her Iron Key, and by the BPS Information Technology (IT) department's shut-down of the individual's BPS email account.

In addition to the above, the LASO shall notify the DCJIS of the termination of any individual authorized to access CHRI who is also a SAFIS-R User. This notification shall be made immediately upon the termination of the user and shall be accomplished by emailing a SAFIS-R User Designation Form with the "Remove" checkbox checked to the DCJIS SAFIS Unit at [safis@state.ma.us](mailto:safis@state.ma.us)

#### *Personnel Transfer*

Individuals with access to CHRI who have been reassigned or transferred shall have their access reviewed by the LASO to ensure access is still appropriate. If continued access is determined to be inappropriate, the LASO shall immediately suspended access following the steps below:

- a. The LASO (Director of HR) will review access to CHRI.
- b. This review will be initiated when HR is notified of the employee's impending reassignment/transfer.

- c. If the LASO determines the employee's CHRI access is no longer appropriate, disconnection of CHRI access will be completed within 24 hours of the individual's last day in the former position.
- d. If it is determined the employee no longer requires access to physical CHRI media to perform his/her daily job responsibilities, the LASO will obtain the return of his/her key to the locked HR files.
- e. If it is determined the employee no longer requires access to electronic CHRI media to perform their daily job responsibilities, the LASO will obtain the return of his/her Iron Key.

In addition to the above, the LASO shall notify the DCJIS of the transfer of any individual authorized to access CHRI who is also a SAFIS-R User and for whom it is determined that CHRI access is no longer appropriate. This notification shall be made immediately upon the termination of the user and shall be accomplished by emailing a SAFIS-R User Designation Form with the "Remove" checkbox checked to the DCJIS SAFIS Unit at [safis@state.ma.us](mailto:safis@state.ma.us)

### *Sanctions*

Persons found non-compliant with state or federal laws, the current FBI CJIS Security Protocol, DCJIS policies or regulations, or other applicable rules or regulations, including Belmont Public Schools Information Security Protocol, will be formally disciplined. Discipline can include, but may not be limited to, counseling, the reassignment of CHRI responsibilities, dismissal, civil penalties, or prosecution. Discipline will be based on the severity of the infraction and the discretion of Belmont Public Schools and/or the CSO of the MSP.

When an individual is sanctioned for such non-compliance, the LASO shall notify the DCJIS CSO in writing of the infraction(s) and of the discipline imposed within 5 business days. Additionally, if the discipline imposed includes denying access to CHRI and the individual is also a SAFIS-R User, the LASO shall immediately notify the DCJIS by emailing a SAFIS-R User Designation Form with the "Remove" checkbox checked to the DCJIS SAFIS Unit at [safis@state.ma.us](mailto:safis@state.ma.us).

## **X. Media Protection**

All media containing CHRI is to be protected and secured at all times. The following is established and to be implemented to ensure the appropriate security, handling, transporting, and storing of CHRI media in all its forms.

### *Media Storage and Access*

Electronic and physical CHRI media shall be securely stored within physically secured locations or controlled areas. Access to such media is restricted to authorized personnel only and shall be secured at all times when not in use or under the supervision of an authorized individual.

Physical CHRI media:

- a. Is to be stored within employee records when feasible or by itself when necessary.
- b. Is to be maintained within a lockable filing cabinet, drawer, closet, office, safe, vault, or other secure container.

Electronic CHRI media:

- a. Is to be secured through encryption as specified in the FBI CJIS Security Protocol.
- b. Electronic storage media devices (such as discs, CDs, SDs, thumb drives, DVDs, etc.) are to be maintained within a lockable filing cabinet, drawer, closet, office, safe, or vault, or other secure container.

*Media in Transit (Electronic and/or Physical)*

Should the need arise to move any form of CHRI media, including physical CHRI media (paper/hard copies) and electronic CHRI media (e.g., laptops, computer hard drives, or any removable, transportable digital memory media, such as magnetic tape or disk, optical disk, flash drives, external hard drives, or digital memory card), outside of the secured location or controlled area, the transport of the CHRI media will be conducted by authorized personnel *only*. Belmont Public Schools has established and implemented the following security controls to prevent compromise of the data while in transit:

CHRI media will be handled and transported by the LASO or other CHRI-authorized employee.

- a. Transport will occur only upon justification and approval by the LASO)
- b. Physical CHRI media will be transported by use of a locked container or sealed envelope. Electronic CHRI media will be transported on the password-protected Iron Key.
- c. The media is to remain in the physical possession of the designated authorized employee until the CHRI media is delivered to its intended destination.

*Electronic Media Sanitization and Disposal*

Once electronic CHRI media is determined to be no longer needed by the agency, it shall be sanitized and disposed of appropriately. This includes, but is not limited to, devices used to store electronic CHRI and/or used for dissemination (fax machines, scanners, computers, laptops, etc.). The devices shall be sanitized prior to disposal, recycling, or reuse by other non-authorized personnel.

The sanitization of CHRI media will be conducted in the following manner:

- a. The LASO or the BPS Director of IT shall witness or conduct sanitization of the media. .
- b. Destruction of the media
- c. This is to occur when the media has been approved by the SC for surplus and disposal

### *Disposal of Physical Media*

Once physical CHRI media (paper/hard copies) is determined to be no longer needed by the agency, it shall be destroyed and disposed of appropriately. Physical CHRI media shall be destroyed by shredding, cross cut shredding, or incineration. Belmont Public Schools will ensure such destruction is witnessed or carried out by authorized personnel:

- a. The LASO or other CHRI-authorized member of the BPS HR staff shall witness or conduct disposal.
- b. Physical CHRI media will be destroyed by shredding.
- c. Physical CHRI media will be destroyed as soon as no longer needed for employment suitability determination.

### **XI. Incident Response protocol**

The security of information and systems in general, and of CHRI in particular, is a top priority for Belmont Public Schools. Therefore, we have established appropriate operational incident handling procedures for instances of an information security breach. It is each individual's responsibility to adhere to established security guidelines and policies and to be attentive to situations and incidents which pose risks to security. Furthermore, it is each individual's responsibility to immediately report potential or actual security incidents to minimize any breach of security or loss of information. The following security incident handling procedures must be followed by each individual:

- a. Security-breach incidents are to be reported directly to the Director of HR (LASO).
- b. Report to the Superintendent of Schools.

In addition to the above, the LASO shall report all security-related incidents to the DCJIS ISO within 48 hours. The LASO shall complete an NCJA Security Incident Report Form and shall email it to the DCJIS ISO at [safis@state.ma.us](mailto:safis@state.ma.us)

### **XII. Controlled Area**

As required by DCJIS and FBI regulations and policies, controls have been established and implemented in order to ensure a physically secured location for CHRI media. Belmont Public Schools has designated the School Administration Building Human Resources Office (644 Pleasant Street, Belmont MA) as a controlled area for the purpose of day to day access and storage of CHRI.

In addition, the following security controls are in place:

- a. Access is limited to the controlled area during CHRI processing times to authorized personnel approved by the agency to access or view CHRI.
- b. CHRI will be locked and secured to prevent unauthorized access to the extent possible when unattended.

- c. Information system devices and documents containing CHRI will be positioned in such a way as to prevent access or viewing by unauthorized individuals.
- d. Appropriate encryption has been implemented for electronic storage of CHRI.