

Guidelines for Required FBI Notifications of Applicant Privacy Rights

Agencies which submit fingerprints to receive FBI criminal history records are required to make certain notifications to applicants who are fingerprinted for noncriminal justice purposes.

Agencies must advise the person being fingerprinted of the following notifications PRIOR to submitting the fingerprint card to the FBI (via DPS).

- The person being fingerprinted must be notified in writing that the fingerprints will be used to check the criminal history records of the FBI. The written notification to these applicants must be provided in a format where applicants can read and take a copy with them if they desire. Simply stating that an applicant is subject to a "national background check" is NOT sufficient.
- Applicants must be informed that they are allowed a reasonable opportunity to complete and challenge the accuracy of the criminal history record. ALL applicants must be advised of this, not just those who dispute an employment/license denial.
- Agencies must notify applicants how to obtain a copy of the FBI record and that the guidelines for these procedures are contained in Title 28 CFR 16.34.

If the applicant elects to review/challenge the criminal history record, the agency must provide the person a reasonable period of time to do so before final denial. Agencies should establish documented processes for what constitutes a reasonable period of time and any appeals processes available to the applicant.

The sample language in the box below contains the required notifications and disclosures.

Your fingerprints will be used to check the criminal history records of the FBI.

If you have a criminal history record, the officials making a determination of your suitability for employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record. You should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before officials deny you employment, license, or other benefit based on information in the criminal history record.

The procedures for obtaining a change, correction, or updating of your FBI criminal history record are set forth in Title 28, Code of Federal Regulations (CFR), Section 16.30 through 16.34. Information on how to review and challenge your FBI criminal history record can be found at www.fbi.gov under "Services" and then "Identity History Summary Checks" or by calling (304) 625-5590.

To obtain a copy of your Kentucky criminal history in order to review/update/correct the record, you can contact the Kentucky State Police Criminal History Records Section at (502) 227-8700 to obtain a fingerprint card and a Review and Challenge packet. Information on the review and challenge process can be found on the KSP website (www.kentuckystate.org).