COMPLIANCE AUDIT TRAINING

NONCRIMINAL JUSTICE AGENCY

USE OF

CRIMINAL JUSTICE INFORMATION

Training is for a Noncriminal Justice Agency (NCJA) who request state and federal fingerprint-based Criminal History Record Information (CHRI) background checks for the purpose of employment determinations and/or volunteer placement. NCJAs will receive guidance on applicable federal and state laws, regulations, and policy regarding the appropriate access, storage, use, dissemination, and destruction of CHRI while ensuring the security, confidentiality, and integrity of CHRI.
Training Audience

*This training is intended for agencies, authorized by state or federal statute, to request state and federal fingerprint-based CHRI background checks; for the purpose of employment, licensing, and/or volunteer placement.*

**Security & Access Team:**
- Larry Jones, Manager
- Sandra Billingsley, Auditor
- Joe Diaz, Auditor
- Gregg Rosenbery

Audit Unit Email: MSP-CJIC-ATS@michigan.gov

**Criminal Justice Information**

*What is Criminal Justice Information (CJI)?*

- CJI is the term used to describe all of the FBI Criminal Justice Information Services (CJIS) provided data necessary for civil agencies to perform their employment or volunteer placement determinations.

*What is Criminal History Record Information (CHRI)?*

- A subset of CJI: Any notations or other written or electronic evidence of an arrest, detention, complaint, information or other formal criminal charge relating to an identifiable person that includes identifying information regarding the individual, as well as the disposition of any charges.

**Notes:**

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**Criminal Justice Information Exchange History**

**FBI Criminal Justice Information Services:**
Serves as the nation’s administrator for the appropriate security and management controls. As such, the FBI designates one criminal justice agency (on the CJIS network) as the CJIS Systems Agency (CSA) and is considered a point of contact in each state.

**Michigan State Police:**
The CSA is duly authorized to oversee the security and management of all CJI exchanges within the State of Michigan. **Responsible for setting, maintaining, enforcing, and reporting compliance to the FBI CJIS Division for such exchanges.**

**Noncriminal Justice Agency:**
For the purpose of licensing and employment, certain authorized agencies request and receive fingerprint-based CHRI, making the NCJAs the next responsible records management entity.
Local Agency Security Officer (LASO) (3.2.9)

Designated by the NCJA:

- Identify who is accessing CHRI.
- Identify how the NCJA is connected to CHRI.
- Ensure security measures are in place and working.
- Support policy compliance and ensure the reporting of any CHRI incident to the MSP Information Security Officer (ISO).

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LASO Form Example

www.michigan.gov/cjicats (Forms)
NONCRIMINAL JUSTICE AGENCY
COMPLIANCE AUDIT REVIEW
INFORMATION SHEET

Federal statute and section number references from the FBI CJIS Security Policy are available after each policy section for details on the particular subject matter.

The following areas will be covered in the compliance audit:

Supporting Documentation
  • Fingerprint Authorization
  • Position Documentation
    o Formal Position Documentation (for prints taken before CHRISS)
    o Michigan Waiver Agreement & Statement RI-088a (for prints taken after CHRISS)
  • Consent (Livescan Fingerprint Background Check Request RI-030)
  • Appeal

User Agreements (5.1.1.6)

Local Agency Security Officer LASO (3.2.9)

Personnel Security (6.12)

Media Protection (6.8)

Physical Protection (6.9)

Secondary Dissemination (5.1.3)

Security Awareness Training (5.2.1.1)

Incident Response (5.3)

For agencies who subsequently store CHRI Digitally (other than in CHRISS):
  • Auditing and Accountability (5.4)
  • Access Control (5.5, 5.13.7)
  • Identification and Authentication (5.6)
  • Configuration Management (5.5, 5.7)
  • System and Communications Protection and Information Integrity (5.10, 5.13.4)
  • Mobile Devices (5.13)

Compliance Audit Contact Information:

Security & Access Section E-mail: MSP-CJIC-ATS@michigan.gov

Sandra Billingsley, Auditor  BillingsleyS@michigan.gov  (517) 242-1944
Joe Diaz, Auditor  DiazJ6@michigan.gov  (517) 507-9705

Digital Security Analyst  RosenbergG@michigan.gov  (517) 284-3188

Michigan State Police
Criminal Justice Information Center
Security & Access Section

01/18/2018  Page 1 of 2
Criminal History Record (CHR) Questions

Questions regarding CHR responses may be directed to the Criminal History Section (CHS) applicant help desk at 517-241-0006 or by emailing MSP.CRDL-APPLHELP@michigan.gov.

Any and all questions regarding out of state CHR must be directed to the state that contributed to the record.

Questions regarding incomplete Michigan CHR can be rectified with the applicant through your agency's appeal process. If your agency does not have an appeal process, a template of this process can be found at the NCJA website: www.michigan.gov/cjicats.

If you have questions on how to read a Michigan CHR, please refer to www.michigan.gov/ichat ICHAT Tutorials - "How to read a Criminal History."

CHRIS Questions

Questions regarding the Criminal History Record Internet Subscription Service (CHRISSS) may be directed to the CHRIS Coordinator at (517) 284-3089 or by e-mail to MSP-CHRISSS@michigan.gov. You may also visit https://chris.state.mi.us/Home/Login.

ICHAT Questions

Questions regarding ICHAT may be directed to the ICHAT Coordinator at (517) 241-0713 or by e-mail msp-crld-ichathelp@michigan.gov.

The Following Official Forms and Documents Can Be Located At Our Web Page

- www.michigan.gov/cjicats
- FBI Criminal Justice Information Services (CJIS) Security Policy website link
- Noncriminal Justice Agency (NCJA) Local Agency Security Officer Appointment CJIS-015
- NCJA CHRIS Policy template (doc)
- [Agency] Appeal Process template
- MSP Security Awareness Training Template (PowerPoint)
- Secondary Dissemination Log
- Determination of Assignment (Red Light/Green Light) Template
- Livescan Fingerprint Request RI-030 - Authorized users please contact msp-crld-applhelp@michigan.gov or 517-241-0806 for this form. You may also complete it within the CHRISSS application.

Questions regarding the Qualified Entity Application or RI-088A Michigan Waiver and Statement forms may be directed to the Audit Unit at 517-234-3022 or by email, MSP-CJIC-ATS@michigan.gov.
Fingerprinting Procedures

As of 2017, our state has established new procedures and processes for NCJA (schools) completing state and federal fingerprint-based CHRI background checks for the purpose of employment and volunteer determinations. Changes will provide a secured method of dissemination of CHRI to our authorized recipients and also allow for secondary dissemination of CHRI across schools, whether public, private, or Public School Academy (PSA), in a compliant manner.

In order to access CHRI through CHRISS, agencies must make application to MSP for consideration and approval of eligibility and attend a NCJA Audit, Security, & Access to Criminal History Training prior to access. All schools must utilize the CHRISS process in order to accomplish fingerprint background checks of employees and/or volunteers.

Schools are required by law to continue following The Revised School Code (Michigan Compiled Law (MCL) 380.1230a) for the guidance on:

- Who is required to have a fingerprint-based CHRI background check.
- How to request a fingerprint background check.
- Who in the school can have access to the CHRI results.
- How the results may be used by the school.
- Any other provisions allowed.

A Michigan designated School; including employees of a Management Company (MC) assigned to work at a PSA are eligible for access through our new Criminal History Record Internet Subscription Service (CHRISS) process. Additionally, access may be further granted by a PSA to allow CHRISS access to their MC personnel part of the hiring process not located at the PSA, provided that the MC business/organization resides and is based in Michigan.

Fingerprint Reason Codes:

- School Employment (SE) – Is used for the fingerprinting of an applicant or an individual who is hired for any full-time or part-time employment, or who is assigned to regularly and continuously work under contract in any of its schools. Applicants or individuals working or assigned in this capacity are required (MCL 380.1230a shall law) to have a fingerprint-based background check. A school may also choose to fingerprint a person employed by, or seeking to be employed with the school for a position that is not covered within The Revised School Code. SE fingerprinting may be used for persons paid by the school in any non K-12 positions who have, or may have, unsupervised access to a child whom the school provides care, treatment, education, training, instruction, supervision, or recreation (National Child Protection Act may law).

- School Volunteer (SV) – Is used for any individual solicited to provide a volunteer service providing care to the school’s vulnerable population.

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**Michigan Qualified Entity Application**

**MICHIGAN STATE POLICE**  
**NONCRIMINAL JUSTICE AGENCY**  
**MICHIGAN VOLUNTEER & EMPLOYMENT CRIMINAL HISTORY SYSTEM**  
**QUALIFIED ENTITY APPLICATION**

<table>
<thead>
<tr>
<th>Legal Entity Name</th>
<th>School Entity Code, if Applicable</th>
<th>MSP-CJIS Agency ID, if Applicable</th>
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<tbody>
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<tr>
<th>Physical Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
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<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
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<tr>
<th>Business Phone Number</th>
<th>Fax Number</th>
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<tr>
<th>Director/Head of Entity and Title</th>
<th>Work Phone Number</th>
<th>Email Address</th>
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<th>Name of Point of Contact and Title</th>
<th>Work Phone Number</th>
<th>Email Address</th>
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**Entity Type:**  
- Governmental (Public)  
- Private – Non Profit  
- Private - For Profit

Please check all that apply to the service(s) provided by your entity to children, the elderly or individuals with disabilities.  
A “child” means a person who is less than 18 years of age and is not emancipated by operation of law as provided in section 4 of 1988 PA 293, MCL 722.4. “Individuals with disabilities” means persons with a mental or physical impairment who require assistance to perform one or more daily living tasks.

<table>
<thead>
<tr>
<th>Type of Person(s)</th>
<th>Care or Treatment</th>
<th>Education, Training or Instruction</th>
<th>Supervision</th>
<th>Recreation</th>
<th>Care Placement</th>
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<tr>
<td>Child</td>
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<td>Elderly</td>
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<td>Disabled</td>
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</table>

Summary of type of services your entity provides. Please describe in detail the services your entity will provide and how those services will directly impact children, the elderly or disabled.

**Signature of Director/Head of Entity**  
**Date**

**Submit completed application via:**

**Email:**  
msp-cjo-atls@michigan.gov

**Mail:**  
Michigan State Police  
Criminal Justice Information Center  
Attn: Security and Access Section  
PO Box 30634  
Lansing, MI 48909-0634

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The point of contact shall be the appointed LASO.

Please provide a summary here as well.
Michigan School Fingerprint Reason Code Chart

<table>
<thead>
<tr>
<th>Criteria for Fingerprinting</th>
<th>Requirement</th>
<th>Old FP Reason Codes</th>
<th>New FP Reason Codes</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Employment</td>
<td>Shall Law</td>
<td>SE</td>
<td>SE</td>
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<tr>
<td>• State Procedures: The Revised School Code</td>
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<td>• MCL 380.1230, 380.1230a</td>
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<td>• Any Full time/Part time Employment</td>
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<td>• Anyone assigned to regularly and continuously work under contract in a school; AND</td>
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<td>• K-12 Education</td>
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<tr>
<td>School Volunteer</td>
<td>May Law</td>
<td>CPV</td>
<td>SV</td>
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<tr>
<td>• Unpaid volunteer</td>
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<tr>
<td>• Anyone who has or may have unsupervised access to a vulnerable group (children, elderly, or individuals with disabilities)</td>
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<tr>
<td>Non K-12 School Employment</td>
<td>May Law</td>
<td>CPE</td>
<td>SE</td>
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<tr>
<td>• Anyone who has or may have unsupervised access to a vulnerable group (children, elderly, or individuals with disabilities)</td>
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You will use the old fingerprint reason codes until your agency is imported into the CHRISS system. Once you can successfully log into the CHRISS system, you will begin to use the new fingerprint reason codes.

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NCJA Audits

NCJA will receive an email notification to the contact and email provided when the agency established their fingerprinting account. The notification will:

- Provide you the date and time of your agency audit.
- Provide instruction for completing our online NCJA PreAudit Questionnaire.
- Provide instruction on your participation for the compliance audit review.
- Provide your agency with details on what to expect.

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Supporting Documentation

SAS Audit Criteria:

- Random fingerprint sample:
  - An agency “fingerprint sample” is an Excel spreadsheet report, which consists of a list of individual names requested to complete a fingerprint background check for employment or volunteerism under your Agency ID.

- Position documentation for the fingerprint reason code used by the agency.
  - Documentation which indicates the fingerprint-based CHRI background checks obtained are for a specific purpose authorized by state or federal law.
  - Position documentation:

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Michigan Waiver Agreement & Statement RI-088A

MICHIGAN WAIVER AGREEMENT AND STATEMENT FOR SCHOOLS

An Individual Applicant’s Request for a Fingerprint-Based Criminal History Record Information (CHRI) Background Check Result for a Qualified Entity in Accordance with the Michigan School Volunteer & Employee Criminal History Program

Pursuant to the National Child Protection Act (NCPA) of 1993, as amended by the Volunteers for Children Act (VCA), this form should be completed and signed by every current or prospective employee, volunteer, and contract/vendor, for whom criminal history records are requested by a qualified entity (i.e., school or management company) under these laws.

I hereby authorize [enter name of Qualified Entity] to receive the results of my state and federal fingerprint-based CHRI background check result for the purpose of evaluating and determining my fitness to have responsibility for the safety and well-being of children or individuals with disabilities. Prior to submitting my fingerprints to the Michigan State Police to conduct a CHRI background check, I will complete, sign, and return this form to the Michigan State Police. I understand that the Qualified Entity will retain all required documentation for a period of time no less than prescribed by state or federal laws. By signing this Michigan Waiver Agreement and Statement, it is my intent to authorize the dissemination of any state and national CHRI that may pertain to me to the Qualified Entity with which I am or am seeking to be employed or to serve as a volunteer, pursuant to the NCPA VCA.

I understand that until the criminal history background check is completed, the Qualified Entity may choose to deny me unsupervised access to children or individuals with disabilities. If further understanding that upon request the Qualified Entity will provide me a copy of the CHRI background results, if any, that are entitled to challenge the accuracy and completeness of any information contained in such results. I may obtain a prompt determination as to the validity of my challenge before the Qualified Entity makes a final decision about my status; as an employee, volunteer, contractor, or subcontractor.

Printed/Typed Name
Address
City
State
ZIP Code
Date of Birth
What is your current or prospective status (check one)?

☐ Employee  ☐ Volunteer  ☐ Contractor/Vendor
Have you ever been convicted of a crime?

☐ Yes  ☐ No
If yes, please provide a description of the crime and the particulars of the conviction.

I understand that I may be asked to assist with obtaining any and all official disposition documentation regarding my conviction.

If you are an employee, prospective employee, or a volunteer of a public school academy, do you authorize release of your CHRI results to another qualified entity (i.e., school or management company) for a like purpose? If yes, indicate the name of the other qualified entity below.

☐ Yes  ☐ No
Name of Other Qualified Entity
Signature
Date Signed

ORIGINAL - MUST BE RETAINED BY QUALIFIED ENTITY

This area is only for schools whose employees work for a management company or for schools who authorize a Michigan-based management company to have view-only access. Examples: A PSA who utilizes all contracted employees, or an Educational Service Provider (ESP), a Diocesan or other faith-based office of schools, or a management company that manages a nonpublic Montessori school.

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The Name of your school as listed with CEPI (MDE).
SAS Audit Criteria Continued: Livescan RI-030

- Livescan fingerprinting RI-030 is a multiple-purpose required form.
  - Fingerprinting Consent:
  - Is the properly signed and dated Livescan RI-030 request form. This is an individual's consent to be fingerprinted and is given prior to fingerprinting.

LIVESCAN FINGERPRINT REQUEST FORM RI-030 Example

![Image of Livescan Fingerprint Request Form RI-030](image-url)

I understand that my personal information, and biometric data being submitted by Livescan, will be used to search against identification records from both the Michigan State Police (MSP) and Federal Bureau of Investigation (FBI) for the purpose listed above. I hereby authorize the release of my personal information for such purposes and release of any records found to the authorized requesting agency listed above.

During the processing of this application, and for as long as my fingerprints and associated information/biometrics are retained at the State and/or FBI, they may be disclosed without my consent as permitted by MCL 28.248 and the Federal Privacy Act of 1974, 5 USC § 552a, for all applicable routine uses published by the FBI, including the Federal Register and for the routine uses for the FBI's Next Generation Identification.

Routine use includes, but is not limited to, disclosure to governmental or authorized nongovernmental agencies responsible for employment, contracting, licensing, security clearances, and other suitable determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Signature: ____________________________ Date: ____________________________

Procedure to obtain a change, correction, or update of identification records:

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections, or updates of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on higher record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting the agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency. (28 CFR § 16.34)
SAS Audit Criteria Continued: Applicant Appeal

Applicant Appeal Process:

- A formal appeal process for applicants wishing to challenge, correct, or update their criminal history record and is a two-part process.
- Livescan RI-030 appeal language.

School agencies may share CHRI with an applicant for the purpose of challenge, correction, or update.

- Prior to release, school agencies shall determine through picture ID that the applicant and record (CHRI response) are “one in the same.”
- Can include the state and federal portion of CHRI per recent clarification from the FBI. A template has been created and available for the agency’s use at our website.

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Procedure to obtain a change, correction, or update of identification records:

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections, or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency. (28 CFR § 16.34)

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www.michigan.gov/cjicats (Template)

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APPEAL TEMPLATE EXAMPLE

[AGENCY NAME]

APPEAL PROCESS

for

Criminal History Record Information Challenge or Correction

Pursuant to federal statutes, an individual may challenge the accuracy or completeness of any entry on his or her Criminal History Record Information (CHRI) response. Applicants wishing to challenge or correct his or her record must:

- Request an appointment with the [Hiring Personnel Title] within [Amount of Days] of having my CHRI response reported to me, if not proclaimed at the time of denial.
- Be given [Amount of Days] to rectify any questioned information within his or her record.

[Agency Name] will provide you with a copy of your CHRI response upon request. Wherein, you will need to make contact directly to the agency which contributed to the information in question. You can identify as to who the contributing agency is as it will be identified in your CHRI response.

Any challenge or correction process conducted beyond the allotted timeframe provided will only be considered at the discretion of [Agency Name].

If you are unable to resolve the information in question through this method, you may contact for an:

Out of State Record

Contact directly and make application to the FBI Criminal Justice Information Services (CJIS) Division, Attn: Criminal History Analysis Team 11000 Custer Hollow Road, Clarksburg, WV 26306. Visit the FBI website for more details, [https://www.fbi.gov/services/cjis/identity-history-summary-checks](https://www.fbi.gov/services/cjis/identity-history-summary-checks), and scroll down to Challenge of an Identity History Summary.

In State Record

Contact directly the Michigan State Police at (517) 241-0606 or by e-mail at MSP-CRD-APPLHELP@michigan.gov. Please provide your name, method of contact, and reason behind your challenge or correction request (in detail).

As the applicant wishing to challenge or correct your record, it is your responsibility to keep [Agency Name] informed of any progress during this process.

Upon successful completion of a challenge or correction, the applicant may request from the Michigan State Police, Criminal History Help desk, (517) 241-0606 his or her updated record to be forwarded to [Agency Name].

I [Applicant Name] understand and agree to the terms and conditions set forth. I will diligently resolve any questioned information of my CHRI response and report back immediately to [Agency Name]. I further acknowledge that I received a copy of [Agency Name] Appeal Process and a copy of my CHRI response (if requested).

_________________________  _________________________
Signature                        Date

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Auditable Areas

- Local Agency Security Officer (LASO) (3.2.9)
- Supporting Documentation
- User Agreement (5.1.1.6)
- Personnel Security (5.12)
- Media Protection (5.8)
- Physical Protection (5.9)
- Incident Response (5.3)
- Secondary Dissemination (5.1.3)
- Security Awareness Training (5.2)

Note: Numbers in quotation marks indicate the policy area or section within the FBI CJIS Security Policy.

MSP and NCJA User Agreement (5.1)

NCJAs receiving CHRI from the MSP shall complete a NCJA User Agreement for the Use of CHRI, RI-087 form. This formal agreement specifies how the exchange of CHRI is to be conducted between the MSP and the NCJA through applicable security and management controls. The user agreement outlines each party’s individual roles and responsibilities as it pertains to the day-to-day receipt and processing of CHRI, and all that this entails, including data ownership. The MSP and NCJA user agreements require the authorized signature of the agency representative (an employee of the agency with the explicit authority to commit the agency to the agreement requirements) and the CJIS Security Officer of the MSP.

Agreement Example
Personnel Security (5.12)

Screening requirements are performed prior to any individual gaining access to CHRI to determine if access is appropriate, and dependent on how your agency maintains CHRI, can include directly employed IT personnel. NCJA’s must have a written process in place for the following:

- Any individual with a felony conviction shall be denied access to CJI/CHRI.
- For a criminal record other than a felony, any individual with an arrest without conviction or an individual believed to be a fugitive shall have their record reviewed to determine if access to CJI/CHRI is appropriate.
- CJI/CHRI access will be discontinued for any individual who is subsequently arrested or convicted of a crime, and must be reported to the MSP before access may be reinstated.
- Restricting CHRI media access for contractors and/or vendors where CHRI is stored and/or processed unless escorted (physically or virtually) by an authorized personnel.

For authorized users with access to CHRI, the NCJA shall maintain written processes of the specific steps taken for the following:

- Written documentation addressing the “immediate” termination of individual CHRI access upon termination of employment (within 24 hours).
- Written documentation that addresses the review of CHRI access authorizations upon individual reassignment or transfer.
- A formal sanctions process for personnel with access to CHRI failing to comply with agency established information security policies and procedures.

An NCJA Policy template is now available for agency’s use and can be found at the following link: www.michigan.gov/cjcats (Template).

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Media Protection (5.8)

NCJAs shall have established policy and procedures for the appropriate: security, handling, transporting, and storing of CHRI media. Each NCJA shall establish the following:

- An overall digital/physical media protection policy.
- Procedures restricting access to authorized user/personnel. Management controls are to exist for the processing and retention of CHRI media and for media to be secured in a controlled area.
- Procedures for transporting CHRI media from its original secured location to another. The steps taken to protect and prevent the data from being compromised while in transit.
- Procedures for the appropriate disposal and sanitization of CHRI media when no longer needed, and the specific steps taken to protect and prevent CHRI media during the destruction process. All destruction is to be logged or documented.

Michigan is a non-outsourcing state and does not allow CHRI to be stored in the cloud or outside of a NCJAs network.

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Physical Protection (5.9)

NCJAs shall establish and implement physical protection policy procedures to ensure CHRI and information systems are physically protected through access control measures. When an agency cannot meet all the control requirements for a physically secure location, the agency shall review and adhere to 5.9.2 - Controlled Area, which states the following:

- Limit access in controlled area during CJI/CHRI processing times.
- CHRI room or storage area should be locked at all times when not in use.
- Position CHRI to prevent unauthorized individuals from access and view.
- Agencies shall abide and carry out encryption requirements for digital storage of CHRI. (At rest: Advanced Encryption Standard (AES) algorithm and 256-bits; In transit: FIPS 140-2 certified).

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Incident Response (5.3)

Each NCJA shall establish operational incident handling policy and procedure for instances of an information security incident of physical/digital CHRI media. Agencies are to ensure general incident response roles and responsibilities are included within the agency established and administered Security Awareness Training (SAT).

Each NCJA shall establish:

- Information security reporting procedures outlining who to report to and how reporting happens through the agency chain of command upon discovery of any information security incident pertaining to CHRI.
- Incident handling capability procedures that include adequate preparation, detection, and analysis, containment, eradication, recovery, and user response activities.
  - Preparation—firewalls, virus detection, malware/spyware detection, security personnel, and locked doors to prevent unauthorized access.
  - Detection—monitoring preparation mechanisms for intrusions such as: spyware, worms, and unusual or unauthorized activities, etc. Can include building alarms and video surveillance.
  - Analysis—identify how an incident occurred and what systems or CHRI media were compromised.
  - Containment—security tools utilized or an agency plan to stop the spread of the intrusion.
  - Eradication—removal plan of the intrusion before the system is restored and steps taken to prevent reoccurrence.
  - Recovery—the ability to restore missing files or documents.

Each NCJA shall establish:

- Procedures for the appropriate collection of evidence of an information security breach that meets relevant jurisdiction(s) for a CHRI security incident involving legal action (either civil or criminal) against a person or agency (calling law enforcement or contacting legal counsel).
- Procedures to track, document, and report information security incidents. An “Information Security Officer (ISO) Security Incident Report,” form (CJIS-016) has been established, and is the required method of reporting security incidents to the MSP. The agency may retain completed forms on an ongoing basis in order to meet policy requirements for tracking.

An NCJA Policy template is now available for agency’s use and can be found at the following link: www.michigan.gov/cjicats (Template).

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**INFORMATION SECURITY OFFICER (ISO) SECURITY INCIDENT REPORT**

AUTHORITY: MCL 28.216, MCL 28.162, and R 28.8201; COMPLIANCE: Mandatory; PENALTY: Loss of access to criminal justice information systems.

Agencies shall promptly report digital and physical incidents that significantly and/or endanger the security or integrity of Criminal Justice Information (CJI) to the Michigan State Police Information Security Officer (ISO) in compliance with the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy. If a question does NOT apply, enter "N/A" to signify not applicable.

<table>
<thead>
<tr>
<th>Send Completed Hard Copy Form To:</th>
<th>For Additional Information:</th>
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<tbody>
<tr>
<td>Michigan State Police Criminal Justice Information Center Attn: Information Security Officer P.O. Box 30634 Lansing, MI 48909-0634</td>
<td>FBI CJIS SECURITY POLICY Questions/Comments:</td>
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<td></td>
<td>Phone: 517-284-3069</td>
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</tbody>
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I. Agency Information

- **Point(s) of Contact (Full Name and Title):**
- **Work Phone Number/Extension:**
- **Email Address:**

- **Agency Name:**
- **Noncriminal Justice Agency ID:**
- **Criminal Justice Agency ORI:**

- **Agency Address:**
- **City:**
- **State:**
- **ZIP Code:**

II. Incident Information

- **Incident Type:**
  - [ ] Computer/Security
  - [ ] Digital Media
  - [ ] Physical Media
  - [ ] Mobile Device

- **Identify the time frame and the operational phase. (i.e., Was this a one-time occurrence or continuing? Could it occur anytime or did certain events trigger it?)**

- **Location(s) of Incident:**

- **System(s) and/or Data Affected (e.g., Computer Aided Dispatch, Records Management System, File Server, Physical Media containing CJI):**

- **Did access include any personally identifying information or CJI?**
  - [ ] Yes
  - [ ] No

- **Is the hard drive encrypted?**
  - [ ] Yes
  - [ ] No

- **Method of Detection/Discovery (e.g., via an audit trail, accidental discovery):**

- **Describe the incident. Why did this incident happen? What allowed this incident to occur? Were there policies in place which may be applicable to this incident? Should there be controls in place which may help to prevent this type of incident from reoccurring?**

- **Actions Taken/Resolution:**

- **What are the vulnerabilities and impacts associated with this incident? Describe what you believe are the vulnerabilities and impacts to other information systems/criminal justice information as a result of this incident. Provide a description of the vulnerabilities and their associated impacts.**

- **What is the current status of the incident (i.e., resolved, ongoing, closed, etc.)?**

- **What is the status of follow-up activities for this incident?**

- **What is the plan for long-term prevention?**
Secondary Dissemination (5.1.3)

The NCJA is required to obtain written consent from the individual for any request for the secondary disseminations of CHRI conducted outside of primary information exchange agreements and are to be logged, including:

- The date record was shared.
- Who made the request (Requesting Agency and Recipient Name).
- Whose record is being shared.
- Who sent the shared copy (personnel).
- How the request was fulfilled.

A Secondary Dissemination template has been created and is available for agency’s use at: www.michigan.gov/cjicats (Template)
Dissemination Criteria Continued

As part of the new fingerprinting procedure and process Michigan schools are permitted to share fingerprints conducted under SE provided that the individual remains employed with no separation of service with any school and provided the school obtained written consent for the secondary dissemination of the individual’s CHRI result. SV CHRI results may also be shared if the individual volunteers at multiple schools.

- K-12 schools can share SE results with other Michigan K-12 schools, whether public, private, or public school academy.
- K-12 schools can now share SV results with other Michigan K-12 schools, whether public, private, or public school Academy for volunteer purposes only, and not for employment.
- K-12 schools cannot share SE or SV responses with private entities (Contractors).

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Security Awareness Training (SAT) (5.2)

Each NCJA shall have an established SAT program. SAT is to be administered to all personnel who have access to CHRI, and is to include personnel with unescorted access to a physically secure location, within six months of assignment and every two years thereafter.

SAT is the basic awareness of the security necessary for authorized user/personnel having access to CHRI, or areas where CHRI is processed, while performing his or her daily duties. Duties may involve the direct and/or indirect access of CHRI. TODAY’S TRAINING IS NOT SECURITY AWARENESS TRAINING – this training is done in-house by your agency.

A SAT “fill-in” template that covers all levels of necessary topics has been created and is available for agency's use at: www.michigan.gov/cijcats (Template)

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Compliance Audit Closing

Once a Compliance Audit Review is completed, your agency will have a better understanding of the necessary practices, policies, and procedures. What to expect following the audit review:

- A draft compliance audit report will be created and sent to your agency approximately (15) business days from the date of your audit.
- Your agency will be asked to respond within (30) days regarding to your school’s corrective actions in response to any Out of Compliance area(s).
- At the end of (30) business days, whether we have received your agency’s response or not, the MSP will provide a final draft indicating whether your audit compliance is complete and will include additional corrective actions if necessary.

Upcoming compliance cycle changes:

- CJIS System Officer (CSO) referrals begin.

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Additional Guidance: Digital CHRI Stored on Your System

When an NCJA creates a digital copy of CHRI (e.g: saving a digital record from another original digital record, scanning a document, or creation of a spreadsheet) and subsequently stores this static CHRI on their system, then the following may also be applicable. If your agency is only storing CHRI in paper form and/or within the CHRISS system, then these areas do NOT apply to you.

Remember this slide from earlier today?

- The LASO is the person entrusted with:
  - Identifying who is accessing CHRI.
  - Identifying how the NCJA is connected to CHRI.
  - Ensuring security measures are in place and working.
  - Supporting policy compliance and ensure the reporting of any CHRI incident to the MSP Information Security Officer (ISO).

- The LASO is the person entrusted to understand, manage, and report on CHRI security risk.

Gaining entry to the system is critical, but there must be access controls in place to ensure additional layers of security and system protection.

5.5.4-System Use Notification

- “Splash screen” or banner prior to system entry
- States system rules of use:
  - Accessing a restricted system
  - Actions may be monitored, recorded, and audited
  - Unauthorized use is prohibited and subject to civil/criminal action
  - Use of the system acknowledges consent to such monitoring

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Let's start with some basics…

- Identification (5.6)
  - This is the “who are you?”
  - Usernames are a form of identification
    - Usernames or User ID’s must be unique
  - Authentication
    - This is the “prove who you are.”
  - Something specific to the user
    - Passwords/PINs (something you know)
    - Biometrics (something you are)
    - Tokens (something you have)

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5.5.1-Account Management
- Based on need-to-know/need-to-share
- Meet personnel security requirements
- Accounts must be reviewed annually

5.5.5-Session Lock
- 30 minute maximum (best practice: significantly less)
- Requires password reentry
- Password-protected screensaver acceptable

5.5.3-Unsuccessful Login Attempts
- A maximum of 5 unsuccessful attempts
- A 10 minute lockout or system administrator reset

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5.5.2-Access Enforcement
   - Agencies must have measures in place to restrict certain functions to only privileged users
     - Privileged user = IT personnel and system administrators

5.5.2.2-System Access Control
   - Restricts the addition, change, or removal of software or system components to privileged users

5.5.2.1-Least Privilege
   - Providing minimum access required to complete one's duties

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5.5.6-Remote Access
   - Temporary access to the information system by a user through an external, non-agency controlled network
   - Must be for compelling operational needs
     - Requires advanced authentication for agency personnel
     - Requires virtual escorting for non-agency vendors, contractors, etc.

5.5.6.1-Personally-owned information systems
   - Policy allows, but it is not considered a best practice
   - Agency must have specific policies and procedures in place setting the terms and conditions for use
   - Must be controlled in accordance with Policy Area 13: Mobile Devices

5.5.6.2-Publicly accessible computers
   - No! No! No! No!

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What criteria and mechanisms can be utilized for access control?

5.5.2.3-Criteria
- Job function (HR Specialist, Superintendent, etc.)
- Physical or logical location (controlled area, server locations)
- Network addresses (access only from specific machines)
- Time-of-day / day-of-week / month

5.5.2.4-Mechanisms
- Access control lists (proximity card reader)
- Resource restrictions (restrictions at the machine level)
- Encryption (no key, no decryption)
- Application-level controls (administrator set functionality)

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How do we enforce the security and the rules regarding proper system usage?

5.4-Auditing and Accountability of Information Systems

- To increase the probability that authorized users will conform to a required pattern of behavior
- The system must generate audit records for defined events
  - Successful and unsuccessful:
    - Log on attempts
    - Attempts to create, access, write, delete, or change user permissions on user accounts, files, directories, or other system resources
    - Changes to account passwords
    - Actions by privileged accounts
- Each event log must contain:
  - The date and time of the event
  - Component of the information system where the event occurred
  - Type of event
  - Users/subjects identity
  - Event outcome (success/failure)
- Logs must be reviewed weekly
- Logs must be maintained for a *minimum* of one year

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Digital CHRI Stored on Your System

5.7-Configuration Management

- Access Restrictions for Changes
  - Restrict user changes to the appropriate privileged user

-Least Functionality
  - Process of configuring the application, service, or information system to provide only the essential capabilities

- Network Diagram
  - System "roadmap"
  - Notates all communication paths, circuits, and components; how they connect to each other and to services outside the network

- Security of Configuration Documentation
  - Treat with the same security as CHRI. Limit available copies and keep locked and accessible only to authorized personnel

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Digital CHRI Stored on Your System

5.10-System and Communications Protection and Information Integrity

- **Boundary Protection**
  - Firewalls, gateways, proxies, routers
  - Anti-virus, malware, intrusion detection, intrusion prevention

- **Encryption**
  - Must be FIPS 140-2 **certified** (Fig. 1)

- **Partitioning and Virtualization**
  - Must be employed to ensure that any CHRI is logically separated from non-CHRI (Fig. 2)

- **Patch Management**
  - Must be kept current, be centralized, and auto-updated
  - Can no longer patch – system is non-compliant

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Digital CHRI Stored on Your System

5.13-Mobile Devices

If you are utilizing a mobile device, such as a tablet or a smartphone (limited-feature devices), the following must be included, but not limited to:

- Wireless Protocols
- Cellular Service Abroad
- Patching/Updates
- Mobile Incident Response
- Identification/Authentication
- Cellular Devices
- Mobile Hotspots
- Malware
- Access Control
- Loss Device Prevention

Mobile Device Management (MDM)

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Digital CHRI Stored on Your System

In Closing

The Tale of Three Tigers

Which tiger do you want?
Resources & Tools

Our website provides a one-stop shop for obtaining:

- Forms
- Guidance
- Training Information
- Templates
- Listserv Archives

MSP Security & Access Website: www.michigan.gov/cjicats
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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<tr>
<td>AWA</td>
<td>Adam Walsh Act</td>
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<td>CHR</td>
<td>Criminal History Record</td>
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<td>CHRI</td>
<td>Criminal History Record Information</td>
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<td>CHRISS</td>
<td>Criminal History Record Internet Subscription Service</td>
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<td>Criminal Justice Information</td>
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<td>Federal Bureau of Investigations</td>
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<td>Internet Criminal History Access Tool</td>
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<td>MDM</td>
<td>Mobile Device Management</td>
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<td>Department of Michigan State Police</td>
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<td>NCPA</td>
<td>National Child Protection Act</td>
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<td>NCJA</td>
<td>Noncriminal Justice Agency</td>
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<td>Offender Tracking Information System</td>
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<td>Public Sex Offender Registry</td>
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