

# LODI UNIFIED SCHOOL DISTRICT

## Rule 4212.2

### Personnel

### Criminal Record Security

#### I. Reference to Authority

California Penal Code sections 11075-11081 make the Attorney General responsible for the security and privacy of criminal offender record information in California. The Attorney General developed regulations governing the release of criminal offender record information to make specific the requirements of the statute (California Administrative Code, Chapter 1, Title II). Section 702(a) of the Regulations requires each agency to adopt written regulations, and this procedure has been prepared to comply with that requirement.

#### II. Definitions

A. Criminal Offender Record Information is defined in Penal Code Section 11075. The two keys to criminal offender record information are that it is made up of information collected as the result of an arrest, and that the information is stored in summary format. This includes:

1. California Department of Justice rap sheets.
2. Criminal history information received from California Department of Justice via teletype.
3. Department of Justice computerized criminal history system printouts.
4. FBI or other states' rap sheets.
5. Information maintained in the Department's alpha index.

Individual arrest, incident, and crime reports are covered by the Public Records Act (Government Code Sections 6250-6260) and are not considered to be criminal offender record information.

#### B. Right-to-Know

The right-to-know is the legal authority, granted by statute or court order, for a person or agency to have access to criminal offender record information. Those persons or agencies with a right-to-know are set out in Penal Code Section 11105 and listed in the Department of Justice Authorized Agencies List.

C. Need-to-Know

The need-to-know is the official purpose for which the information may be requested and used. The need-to-know for the various requesters is covered in the Department of Justice Authorized Agencies list under the certification of compelling need found in each section.

III. Determination of Right-To-Know/Need-To-Know

Prior to the release of any criminal record information, the person releasing the information must determine the subject's right-to-know and need-to-know.

- A. Right-to-Know: The requester must identify himself and his agency. If the agency is not known to be authorized, the Department of Justice list shall be consulted. Before any restricted information is furnished in response to a phone request, the person releasing the information should recognize the requester and know he is authorized. If the requester is not known personally to the person releasing the information, they should call back to the requester's agency using the published phone number.
- B. Need-to-Know: The person releasing the information must ask the requester why the information is needed. The California Department of Justice Authorized Agencies List should be consulted in cases where there is a question regarding need-to-know.

NO CRIMINAL OFFENDER RECORD INFORMATION MAY BE RELEASED UNLESS THERE IS BOTH A RIGHT-TO-KNOW AND A NEED-TO-KNOW.

IV. Record Security Officer

Classified Personnel Officer is designated as the Record Security Officer. Any questions regarding the release or security and privacy of criminal offender record information are to be resolved by the Record Security Officer.

V. Personnel Designated to Release Criminal Offender Record Information

- A. Criminal offender record information (CORI) may be released only by the Record Security Officer or a person designated by the Record Security Officer.
- B. No other member of this Department may release CORI without express permission of the Record Security Officer.

VI. Audit Trail Requirements

- A. A record shall be maintained of each release of state summary criminal offender record information and shall contain the date of dissemination, the name of the agency, and where possible, the name of the person to whom the information was given, the extent of the information given, and how it was transmitted.
- B. The Criminal Record Security Officer shall comply with any reasonable request made by a representative of the Department of Justice relative to any security and privacy audit of this agency.

VII. Juvenile Records

Juvenile records are not to be released except to the Juvenile Court, Probation Department, or other law enforcement agencies, except under an order from the Juvenile Court.

VIII. Record Review by Subject

- A. Review of Rap Sheet - The subject of the record may formally review this California Department of Justice rap sheet under provisions of Penal Code Sections 11120-11127. The procedure includes the subject being fingerprinted; and the prints, a completed "application to Review Transcript" form, and the appropriate fee being forwarded to the California Department of Justice. The Department of Justice will establish an appointment for the subject at the Department of Justice. The subject has access to his record for one hour, may make written notes, but may not have a copy of the rap sheet.
- B. Review of Local Record - The subject of the record may review his local record under locally established procedures. If a copy of the State Department of Justice rap sheet is included as a part of the local record and the subject must be provided with a copy of the local record, the rap sheet will be removed from the record prior to copying.

IX. Protection From Unauthorized Persons

Criminal offender record information will be stored in a secure area, and only persons authorized by the Record Security Officer may access criminal offender information maintained by this Department.

X. Destruction

- A. Criminal offender record information shall be destroyed by shredding (burning, tearing, etc.). All criminal offender record information will be destroyed in such a way that the subject's name can no longer be identified.
- B. Criminal offender record information will be destroyed under the supervision of an authorized person.

XI. Training

- A. All members of this Department with access to criminal Offender record information are required to read and understand this policy.
- B. The Record Security Officer shall, if possible, attend a Department of Justice session in the proper use and control of criminal offender record information. If this is not possible, he will familiarize himself with the various laws and rules regarding record security.
- C. All personnel designated to release criminal offender record information will be trained in the proper use and control of criminal offender record information.

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