G-0300 **GBC**

Criminal History Record Information

Purpose and Scope

The Board authorizes fingerprint-based state and national criminal history record checks for noncriminal justice purposes when permitted or required by law. This policy governs Criminal History Record Information received or accessed by the District in connection with employment, volunteering, contracting, or another specifically authorized District purpose.

Authorized Use and Confidentiality

CHRI shall be requested, accessed, used, and disclosed only for the specific purpose for which it was authorized. Access is limited to trained personnel whose assigned duties require the information. CHRI shall not be repurposed, disclosed to another entity, placed in an ordinary personnel file, or used for personal, political, retaliatory, discriminatory, commercial, or other unauthorized purposes.

The District shall maintain administrative, technical, and physical safeguards that comply with applicable law, New Mexico Department of Public Safety requirements, the current FBI Criminal Justice Information Services Security Policy, and the District's approved information-security procedures. When requirements differ, the stricter applicable safeguard shall control.

Applicant Notice and Review Rights

Before fingerprints and associated personal information are submitted, the District shall provide the individual all notices required by federal and state law, including an appropriate FBI Privacy Act Statement and written information describing how to obtain, challenge, correct, or update an FBI criminal history record.

Before making a final adverse decision based in whole or in part on CHRI, the District shall allow the individual a reasonable opportunity to complete or challenge the accuracy of the record. The District's procedures shall identify the time allowed and the process for documenting a challenge. The District will not provide a copy of FBI CHRI directly to the individual but will provide instructions for obtaining a personal identity history summary from the FBI or the appropriate contributing agency.

CHRI shall be evaluated in accordance with the Criminal Offender Employment Act, the School Personnel Act, applicable civil-rights requirements, and District hiring policies. An arrest that did not result in a conviction shall not, by itself, establish misconduct or disqualification.

Administration

The Superintendent shall establish procedures governing requests, access approval, training, user acknowledgments, security, temporary handling, permitted dissemination, destruction, access termination, incident response, audits, and documentation. The Superintendent shall designate the District's Point of Contact and Authorized Recipient Security Officer, or successor roles required by NMDPS, and shall ensure that NMDPS is notified when those designations change.

The District shall not retain electronic CHRI outside an NMDPS-designated system. A temporary paper copy may be created only when necessary for an authorized review and shall be secured and destroyed under District procedures. A local copy may be retained only when required by law, a legal hold, an authorized proceeding, or written NMDPS direction and only with documented approval from the Authorized Recipient Security Officer and legal counsel.

Violations

Unauthorized access, use, disclosure, retention, alteration, or destruction of CHRI may result in immediate suspension or revocation of access, corrective or disciplinary action consistent with applicable law and collective bargaining obligations, contract action, notification to licensing or oversight authorities, civil liability, or criminal prosecution. Suspected misuse or a security incident shall be reported immediately through the District's incident-response process.

Legal References

5 U.S.C. 552a Privacy Act of 1974
28 C.F.R. 20.21, 20.33 and 20.34 Criminal justice information systems
28 C.F.R. 50.12 Exchange of FBI identification records
34 U.S.C. 40311 through 40316 National Crime Prevention and Privacy Compact
14-2-1 NMSA 1978 et seq. Inspection of Public Records Act
22-10A-5 NMSA 1978 Criminal history record checks
28-2-1 NMSA 1978 et seq. Criminal Offender Employment Act
FBI Criminal Justice Information Services Security Policy current edition
New Mexico Department of Public Safety requirements for noncriminal justice agencies

Cross References

GBA Equal Employment Opportunity
GBJ Personnel Records and Files
GCF Professional Staff Hiring
GCFC Professional Staff Certification and Credentialing Requirements
GDF Support Staff Hiring
GDFA Support Staff Qualifications and Requirements
IJOC School Volunteers
KDB Public Right to Know and Freedom of Information
Adopted: _____