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## Final Regulation Agency Background Document

<b>Agency name</b>	Department (Board) of Juvenile Justice (Agency # 35)
<b>Virginia Administrative Code (VAC) citation</b>	6 VAC 35-160
<b>Regulation title</b>	REGULATIONS GOVERNING JUVENILE RECORD INFORMATION AND THE VIRGINIA JUVENILE JUSTICE INFORMATION SYSTEM
<b>Action title</b>	Originate
<b>Document preparation date</b>	November 19, 2003

This information is required for executive review ([www.townhall.state.va.us/dpbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dpbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dpbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style, and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Do **not** state each provision or amendment or restate the purpose and intent of the regulation.*

The regulation establishes standards governing the form and content of juvenile record information submitted to the Virginia Juvenile Justice Information System; ensures the integrity of the data; protects the confidentiality of the juvenile record information, and governs the dissemination of information in accordance with law.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

The Board of Juvenile Justice adopted **REGULATIONS GOVERNING JUVENILE RECORD INFORMATION AND THE VIRGINIA JUVENILE JUSTICE INFORMATION SYSTEM** as a FINAL regulation at its regularly scheduled meeting on November 12, 2003.

### Legal basis

*Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

*If the final text differs from the text at the proposed stage, please indicate whether the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.*

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The general authority of the Board of Juvenile Justice to promulgate regulations is found in Code of Virginia § 66-10 (6), which provides that the Board shall have the power and duty "[t]o promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the Director or the Department."

Code of Virginia § 16.1-223 (B) leaves no discretion in its requirement that "the State Board of Juvenile Justice shall promulgate regulations governing the security and confidentiality of the data submission [to the Virginia Juvenile Justice Information System]."

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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Juvenile records contain a great deal of sensitive information. The information is used by intake officers in making detention decisions; by probation officers in establishing the terms and conditions of probation; by treatment providers in planning their interventions with children who are delinquent or in need of services or supervision; by juvenile residential facility staff in developing individual service plans for juveniles; and by parole officers in planning for a juvenile's return to the community.

This regulation establishes standards for collecting and disseminating juvenile record information, including guidelines for sharing information among agencies in the juvenile justice system. The regulation also establishes standards for the operation and security of an electronic network that will make juvenile record information available to such agencies.

The regulation is essential to ensure that accurate and timely juvenile record information is available to authorized users within Virginia's juvenile justice system. It is also essential to protect the confidentiality of juvenile record information.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

- 6 VAC 35-160-10 defines terms that are used throughout the regulation.
- 6 VAC 35-160-20 defines the scope of the regulation.
- 6 VAC 35-160-30 designates "participating agencies."
- 6 VAC 35-160-40 requires a signed agreement.
- 6 VAC 35-160-50 governs data submissions.
- 6 VAC 35-160-60 describes access provided to participating agencies.
- 6 VAC 35-160-70 designates individuals authorized to have regular access to juvenile record information.
- 6 VAC 35-160-80 requires the administrator to ensure compliance with regulations.
- 6 VAC 35-160-90 provides for the security of physical records.
- 6 VAC 35-160-100 establishes requirements when records are automated.
- 6 VAC 35-160-110 requires operational programs for computer security.
- 6 VAC 35-160-120 requires procedures to protect security of juvenile record information
- 6 VAC 35-160-130 addresses the security of telecommunications
- 6 VAC 35-160-140 establishes timelines for data submission.
- 6 VAC 35-160-150 provides a process for correcting errors.
- 6 VAC 35-160-160 provides that the existence of records shall not be confirmed or denied.
- 6 VAC 35-160-170 permits information to be disseminated only in accordance with law and regulation.
- 6 VAC 35-160-180 addresses fees.
- 6 VAC 35-160-190 establishes a process for requesting juvenile record information.
- 6 VAC 35-160-200 requires verifications of a requestor's identity.
- 6 VAC 35-160-210 addresses a requestor's eligibility to receive the information.
- 6 VAC 35-160-220 sets standards for responding to requests.
- 6 VAC 35-160-230 establishes that certain information may be withheld from release.
- 6 VAC 35-160-240 requires notice to accompany disseminated juvenile record information.
- 6 VAC 35-160-250 requires that a dissemination log be kept.
- 6 VAC 35-160-260 requires reporting of unauthorized disseminations.
- 6 VAC 35-160-270 addresses interstate dissemination of information.
- 6 VAC 35-160-280 provides a process for individuals to challenge juvenile record information.
- 6 VAC 35-160-290 requires an administrative review of challenge results.
- 6 VAC 35-160-300 provides for removal of a challenge designation.
- 6 VAC 35-160-310 establishes expungement requirements.
- 6 VAC 35-160-320 provides for notification of expungement to participating agencies.
- 6 VAC 35-160-330 establishes procedures for expunging juvenile record information
- 6 VAC 35-160-340 requires confirmation notice of expungement be sent to VJJIS administrator.
- 6 VAC 35-160-350 addresses situations in which an expungement order is received directly by a participating agency.

6 VAC 35-160-360 gives the Department of Juvenile Justice oversight of the VJJIS system and these regulations.

6 VAC 35-160-370 authorizes and requires audits.

6 VAC 35-160-380 provides for administrative sanctions when the regulations are violated.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

1) The primary advantage to the public in general is that this regulation will facilitate the exchange of juvenile record information among authorized users, supporting the efforts of probation officers, detention homes, juvenile correctional centers, and community service providers to take appropriate action with regard to juveniles who are delinquent or in need of services or supervision. The primary advantage to individual members of the public is that safeguards are established to protect the confidentiality of the juvenile record information, and for the first time, provision is made for individuals to challenge their records and seek corrections in the records.

2) The primary advantage to the Commonwealth is the establishment of a systematic juvenile record information system, with uniform rules and guidelines. This will enable court service units, community service programs, and residential facilities such as detention homes and juvenile correctional centers to obtain meaningful, timely information on juveniles under their care or supervision.

3) There are no known disadvantages to the Commonwealth or to the public.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

<b>Section number</b>	<b>Requirement at proposed stage</b>	<b>What has changed</b>	<b>Rationale for change</b>
10	1) The definition of “dissemination” allowed release of information to entities having both a “need to know” and a “right to know” the information	1) “Dissemination” is redefined to specifically reference Code of Virginia § 16.1-300. “participating agency,” and “VJJIS Administrator.” “Need to know” is defined.	1) the “dissemination” definition limits disclosures to those who have a right to the information under Code of Virginia §16.300.
	2) the definition of	2) the definition of “juvenile record	The records of all juveniles

	“juvenile record information” was tied to the filing of a petition	information” is amended to include juveniles who are or who have been before an intake officer	who come before an intake officer should be protected, not just those who are the subject of a petition.
	3) No definition was provided as to what constitutes a “need to know” juvenile record information	3) A definition is added for the term “need to know”	users should access only the specific information necessary to exercise official duties. Once access to an application is authorized, the data user is obligated to assess the appropriateness of each specific access on a need to know basis.
	4) definition of “participating agency” was ambiguous as to whether state-operated court service units were separate participating agencies or part of a single participating which is the Department of Juvenile Justice	4) amendment makes clear that state operated CSUs are part of a single “participating agency” that is the Department of Juvenile Justice, while locally operated CSUs are separate participating agencies.	
	5) “VJJIS administrator” was defined as the person having overall responsibility for the Virginia Juvenile Justice Information System	5) the term “VJJIS functional administrator” is substituted, referring to a person who has responsibility for a specific component of the Virginia Juvenile Justice Information System	A functional administrator, rather than the overall administrator, is more appropriately responsible for the specific functions required in the standards that follow.
20		The word “Justice” is added to the name of the Virginia Juvenile Justice Information System	Typographical correction
30	Originally paragraphs A and B described all court service units as separate participating agencies in the VJJIS	A new paragraph B is inserted, and a distinction made between state operated and locally operated court service units. Renumbered paragraph C is amended to clarify that agencies apply “to the Department” for status as a participating agency.	Clarifies who is a participating agency and how such agencies main obtain status as a participating agency
40		Adds the word “other” before “participating agencies”	Since the Department is itself a participating agency, it only needs agreement with “other” participating agencies
60	Limited participating agencies’ access to information to that which is needed for official business	Retains the original limitation but adds the requirement to assess the appropriateness of each specific access on a need to know basis	Enhances protection against unwarranted dissemination of information
80	Section is re-titled	(No substantial change to content)	
100	Established safeguards to be in place when records are computerized	Adds new requirement to prevent retrieval of information from discarded computers.	Protects against unauthorized dissemination of information.

110	Required operational programs and approved terminals as means of securing juvenile record information on computers	“Access controls” replace “operational programs” or “program;” “System user accounts” replaces “terminals.” Establishes encryption standards. “Approved system user account” replaces the requirement to control outside terminals.	Amendments suggested by DJJ’s Management Information staff reflect the current state of technology.
130	Established safeguards for remote access to computerized juvenile record information	Retains original safeguards and adds requirement of industry standard levels of encryption. Clarifies that terminals need not be “secured” as long as they are “attended.” Requires identification of the remote access user. No longer requires that the remote access device be identified on a hardware basis to the host computer. Telecommunications facilities must be protected from tampering or tapping.	Amendments suggested by DJJ’s Management Information staff reflect the current state of technology.
140	Established time frames for transactions in the Virginia Juvenile Justice Information System	Removes timeframes from the regulation, defers to Department procedures to set appropriate timeframes	Allows flexibility to respond to differing circumstances and apply new technologies and practices.
150	Made the overall VJJIS administrator responsible for receiving and acting upon requests to correct errors	Makes the functional administrator responsible for receiving and acting upon requests to correct errors	The functional administrator is the position that is most appropriately responsible for this function; the overall VJJIS administrator oversees the entire system.
170	Limited dissemination of information in accordance with Code of Virginia	Retains original limitations and adds limitation to comply as well with federal law and specifically references HIPAA.	All of the cited laws apply to information in the Virginia Juvenile Justice Information System
180	Requires that requesters be told of any fees charged for providing information	No substantive change.	Restatement of the requirements are intended to clarify the original intent
210	Paragraph A requires the persons receiving a request for information to determine whether the requester is eligible to receive the information.  Paragraph B restated requirements set out in the Code of Virginia  The section did not specifically address substance abuse treatment records or medical records	Revised paragraph A allows the determination to be made by an appropriately delegated individual  Amended paragraph B now just references the applicable section of the Code  New paragraph C requires a determination as to whether requested health records or substance abuse treatment records are covered by federal law; any dissemination must comply with such laws.	The person who receives the request may not be knowledgeable about the eligibility standards in the law, and may need to refer the matter to a staff expert.

<p>220</p>	<p>Requires the person receiving a request for information to determine a requestor's eligibility to receive requested information.</p> <p>Did not address situations in which the requested information is not in the possession of the agency receiving the request</p>	<p>Clarifies that an appropriately designated person must determine the requester's eligibility to receive the information, in accordance with the Code of Virginia. Requirement is added to comply with the Health Insurance Portability and Accountability Act and federal laws concerning substance abuse treatment records.</p> <p>New paragraph E requires notice to the requester if the agency does not have the information requested, along with information on how to request the information from the appropriate source</p>	<p>The person who actually receives the request may not be knowledgeable about the eligibility standards in the law, and may need to refer the matter to an expert staff member.</p> <p>The goal is to facilitate access to information to which a requester has a right.</p>
<p>230</p>	<p>Did not address potential conflicts between the Code of Virginia and federal law or regulations.</p>	<p>New paragraph C requires compliance with HIPAA rules governing dissemination of information.</p>	
<p>250</p>	<p>Established requirements for keeping a log of information disseminations.</p>	<p>Extends the period for keeping the dissemination log from three years to six years; clarifies that requests are to be referred to appropriately designated Department personnel; adds a requirement to briefly identify what information was requested.</p>	<p>Provides further safeguards against unauthorized dissemination of information by strengthening record keeping requirements.</p>
<p>280</p>	<p>Established a process whereby individuals may challenge information in the VJJIS.</p> <p>Paragraph B allowed individuals to keep a copy of the form on which they registered a protest, and to keep a copy of the challenged record</p> <p>The VJJIS administrator was responsible for following up on challenges to the record.</p>	<p>Retains the essential elements of the process as outlined in the proposed regulation, but specifies that challenges to juvenile record information be forwarded to the "functional proponent who is responsible for the applicable component"</p> <p>Proposed paragraph B is deleted.</p> <p>References to the VJJIS Administrator are changed to the VJJIS functional administrator</p>	<p>Individuals may keep a copy of anything they have (this may not be a "form") and should have access only to what they are entitled to under Virginia Code §16.1-300.</p> <p>The functional administrator is the hands-on professional who is most appropriately responsible for this function; the overall VJJIS administrator oversees the entire system.</p>

	Paragraph G required notice to all who received the record within the previous 24 months	Proposed paragraph G is deleted	It is not possible to know who might have accessed the information.
290	Required administrative review by someone other than the VJJIS administrator  Provided for an administrative appeal from the administrative review	Requires administrative review by someone other than the VJJIS functional administrator who responded to the request  Removes the provision for an administrative appeal following an administrative review.	The change is necessary to be consistent with other changes from VJJIS administrator to VJJIS functional administrator.  An administrative process to review an administrative process is redundant. New standard 390 requires reports to the Board on challenges to VJJIS records, thus providing oversight of the challenge process.
300	Required the VJJIS administrator to notify affected entities to remove challenged records from their files	Requires the VJJIS functional administrator to notify affected entities to remove challenged records from their files	The functional administrator, not the overall VJJIS administrator, is the appropriate position for this function.
310	Required that when records are ordered expunged, all records associated with the subject person must be destroyed.	Clarifies that only those records covered by the expungement order are to be destroyed.	When an individual has multiple records, courts may order the expungement of all records associated with a given offense or case but NOT other records associated with the same individual.
320	Required the VJJIS administrator to notify all participating agencies to purge their records	Requires the VJJIS functional administrator to notify participating agencies to purge their records	The functional administrator, not the overall VJJIS administrator, is the appropriate position for this function.
340	Requires participating agencies to verify to the VJJIS administrator their compliance with expungement order	Requires participating agencies to verify to the VJJIS functional administrator their compliance with expungement order	The functional administrator, not the overall VJJIS administrator, is the appropriate position for this function.
350	Requires a participating agency that receives an expungement order from a court to notify the VJJIS administrator	Requires that when a participating agency receives an expungement notice from a court, it must notify the VJJIS functional administrator.	The functional administrator, not the overall VJJIS administrator, is the appropriate position for this function.
355	The proposed regulation did not address disposition of records in accordance with regulations issued by the Library of Virginia	New section 355 requires that records in the Juvenile Justice Information System be retained and disposed of in accordance with regulations issued by the Library of Virginia, and that the VJJIS functional administrator be notified when records are disposed of.	The change makes specific here requirements that already exist in statute and regulation.



370	Mandated annual compliance audits of a random sampling of participating agencies.	The FINAL regulation authorizes, but does not require, audits	Resource limitations preclude the Department from committing to random audits on an annual basis.
380	Outlined the administrative sanctions the Department could impose for violations of these regulations	Retains the administrative sanctions, adds a reference to applicable Code of Virginia sections, and adds a requirement for the Department to report to the Board on any administrative sanctions imposed	Provides for Board oversight of the enforcement process.
390	Was silent as to any reports by the Department to the Board concerning the operation and oversight of VJJIS.	New section 390 requires the Department periodically to report to the Board on the operation of the VJJIS and its oversight activities.	Provides for Board oversight of the VJJIS and the Department's enforcement activities.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

Commenter	Comment	Agency response
Staff at Department of Planning and Budget	6 VAC 35-160-10, Definitions. RE: "Dissemination," Code of Virginia §16.1-300 appears to define who has the right to know the information. Where does the "need" requirement come from? How would someone show that they have a need to know?	The final regulation cites Code of Virginia § 16.1-300, which includes criteria for determining who has a right to know the juvenile justice information, and also includes a definition of "need to know". A separate section ( 6 VAC 35-160-170) describes the legal prohibition against unauthorized disclosure of information. 6 VAC 35-160-60 B and C are amended to require that the authorized data user assess each particular record access on a need to know basis.
Member of the Board of Juvenile Justice	The phrase "need to know" should be included in the regulation.	
DJJ staff	RE: "Juvenile Record Information," what about intake referrals (diversion)?	The proposed amended language should cover intake referrals.
DJJ staff	"Participating agencies," "What about Commonwealth's Attorneys pursuant to 16.1-224?"	Commonwealth's Attorneys are entitled to juvenile information by 16.1-300 (1). Individual CA offices may continue to simply request this information as they currently do, without becoming a VJJIS participating agency, or may apply for participating agency status pursuant to 6 VAC 35-160-130.B of this regulation.
DJJ staff	RE: "VJJIS Administrator," asked: "Who would this be?" and "This should not be anyone in MIS."	Here and throughout the regulation, the term "VJJIS Administrator" is clarified to mean "functional administrator," who is a non-MIS staff person who is familiar with the juvenile record information contained in a particular component of the overall VJJIS system.

DJJ Staff	At 6 VAC 35-160-30, change “detention homes” to “secure facilities.”	The final regulation retains “detention home” since Code of Virginia § 16.1-228 defines both “detention home” and “secure facility” as “a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.” The terms are equivalent.
DJJ staff	At 6 VAC 35-160-70, does the requirement for staff “to sign an agreement stating that they will use and disseminate the information only in compliance with law and these regulations, and that they understand that there are criminal and civil penalties for unauthorized dissemination” apply to Department staff?	Yes, DJJ staff are included in this requirement.
Lynda Frost	At 6 VAC 35-160-100, require procedures for discarding old computers to ensure information in those computers is not available to unauthorized persons.	The suggestion is adopted and incorporated into the regulation.
DJJ Information Systems staff	At 6 VAC 35-160-130, paragraph C, it is not practically possible to have a remote access device identified on a hardware basis to the host computer. MIS staff also recommended changing “Equipment associated with the remote access device” to “The telecommunications facilities”.	The final regulation adopts the recommendations of the MIS staff.
Staff at the Department of Planning and Budget	Who is responsible for making these changes referenced in 6 VAC 35-160-140 ?	Designated personnel of the court service unit will enter information on final dispositions and appeals. Designated department personnel will enter information on wards discharged from commitment. The designation may be made via a standard operating procedure or by direct delegation by the organizational unit head.
Lynda Frost	At 6 VAC 35-160-210, HIPAA [may be] more restrictive with respect to releasing PHI to some of the court personnel (e.g., probation officer) and if that is the case we need to follow HIPAA. Specifically, HIPAA regulations take precedent over state law when HIPAA is more restrictive (i.e., provides more privacy for the patient).	Paragraph C is added to ensure compliance with HIPAA requirements.
DJJ staff	In addition to the HIPAA requirements mentioned in subsection (C), reference the federal law on substance abuse treatment records (42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2. In some ways, the substance abuse law is stricter than HIPAA.”	Paragraph C is amended to incorporate the suggested reference.
Lynda Frost	At 6 VAC 35-160-210, paragraph D, Mental Health regulations or policy may conflict with the 7-day window	The regulation is amended to allow time extensions if necessary to comply with other applicable regulations.

Lynda Frost	6 VAC 35-160-240 and 6 VAC 35-160-380 should point out that there are federal sanctions for improperly disclosing certain record information.	A summary statement of the federal sanctions is added to 6 VAC 36-160-170.
DJJ staff	Will 6 VAC 35-160-250 conflict with the Library of Virginia retention schedule?	The log required by 160-250 is a new category of record not currently included in any LOV retention schedule. The appropriate retention schedule(s) will need to be updated upon adoption of this regulation.
DJJ's MIS staff	At 6 VAC 35-160-280 G, it may not be possible for a functional administrator to know who has received information from a participating agency.	The requirement to notify agencies who have disclosed information is deleted.
DJJ staff	Why another appeal at 6 VAC 35-160-290 after the administrative review?	Since the administrative review goes all the way to the Director or his designee, there is no advantage to providing for a second administrative "appeal." The regulation, in providing for a challenge and an administrative review, establishes a protection of individual records information that is not mandated by statute.
DJJ staff	Re: 6 VAC 35-160-310: The Department has received court orders to expunge certain records, but not all records, associated with a particular individual."	The amendment clarifies that the Department will expunge all records covered by the court order, but not other records concerning the same person if not specified in the order.
DJJ's Inspector General	Who will conduct these audits proposed by 6 VAC 35-160-370?	The regulation will not specify which personnel will conduct the audits. This will be determined by policy and procedure, according to available resources. The final regulation allows the Department broad discretion in determining when, how and by whom such audits may be conducted.
Kristi S. Wright, Esquire, Senior Legislative Policy Analyst, Virginia Commission on Youth.	"Thanks for the information. I noticed a section, actually it is Part IV, about challenging and correcting juvenile record information. I don't know if you recall, but at the Juvenile Records June and July meetings, the group discussed concerns that while parents are authorized to inspect DJJ records, there are no provisions to correct inaccuracies. We noted in the group's listing of resolved issues that this may be resolved through DJJ regulations. Is Part IV related to this or is there another section? If not, are there plans to address it through regulations?" --	Yes, the regulations do, in fact, provide a process for challenging and correcting errors in juvenile record information.

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
	6 VAC 35-160-10	None	Defines terms that are used in the regulation.
	6 VAC 35-160-20	None	Defines the scope of the regulation as applying to information, data and records maintained on or derived from the Virginia Juvenile Justice Information System, including originals and copies of manual or automated juvenile record information.
	6 VAC 35-160-30	None	Designates the Department, including its central administration, residential facilities and state-operated court service units as one "participating agency." Other participating agencies include locally-operated court services units, detention homes and boot camps, and any other agency that is eligible to receive juvenile record information under Code of Virginia Section 16.1-300 which applies to the Department for status as a participating agency.
	6 VAC 35-160-40	None	Requires a signed agreement between the Department and each other participating agency
	6 VAC 35-160-50	None	Requires that data submissions meet Department requirements. Submitted data becomes part of juvenile record and is protected by law.
	6 VAC 35-160-60	None	The Department may determine the scope of access afforded to each participating agency. Access is limited to information that is needed to provide treatment or service.
	6 VAC 35-160-70	None	Requires that individuals be designated as authorized to have regular access to juvenile record information; provides for background checks and requires signed agreement to comply with law and regulation.
	6 VAC 35-160-80	None	Requires each participating agency's administrator to ensure compliance with regulations and to review security procedures designed to protect juvenile record information.
	6 VAC 35-160-90	None	Physical records must be protected from unauthorized access, disclosure, dissemination, theft, sabotage, fire, flood, wind or other disaster.
	6 VAC 35-160-100	None	When records are automated, there must be; a system administrator to maintain and control user accounts; "backup" copies of juvenile record information; a disaster recovery plan; system specifications and documentation to prevent unauthorized access and dissemination; and procedures for discarding old computers to prevent retrieval of information by unauthorized persons.
	6 VAC 35-160-110	None	Requires access controls and user accounts to keep computerized information secure.
	6 VAC 35-160-120	None	Requires procedures to protect security of juvenile record information

6 VAC 35-160-130	None	Requires industry standard levels of encryption to protect juvenile record information moving through any telecommunications network.
6 VAC 35-160-140	None	Provides that data must be submitted within timeframes to be established by Department procedures. There may be different timeframes for submitting different kinds of data.
6 VAC 35-160-150	None	Requires that suspected errors be reported to the VJJIS functional administrator, and for the functional administrator to correct errors.
6 VAC 35-160-160	None	Prohibits confirming or denying the existence of records to any party that is not entitled by law to the underlying records.
6 VAC 35-160-170	None	Permits dissemination of information only in accordance with Virginia Code § 16.1-300 and federal law and regulation.
6 VAC 35-160-180	None	Permits participating agency to assess fees to cover the cost of responding to information requests.
6 VAC 35-160-190	None	Requires that all requests for information be in writing, but allows for electronic and other means of communicating the request.
6 VAC 35-160-200	None	Requires verifications of a requestor's identity.
6 VAC 35-160-210	None	An appropriately qualified person must determine a requestor's eligibility to receive the information.
6 VAC 35-160-220	None	Requires a timely response to requests, either by providing the information, referring the request to the Department or other appropriate agency, or stating why the request is denied.
6 VAC 35-160-230		Allows certain information to be withheld in accordance with law and regulation.
6 VAC 35-160-240		Requires notice to accompany disseminated juvenile record information that the information may not be re-disclosed to unauthorized persons.
6 VAC 35-160-250		Requires that a dissemination log be kept for six years and states the information that must be logged.
6 VAC 35-160-260		Requires that unauthorized disseminations be reported to the department.
6 VAC 35-160-270		Establishes that interstate dissemination of information must be in compliance with Virginia law and this regulation.
6 VAC 35-160-280		Provides a process for individuals to challenge juvenile record information; establishes responsibility for responding to challenges
6 VAC 35-160-290		Requires an administrative review of challenge results when requested by challenger.
6 VAC 35-160-300		Notice of a challenge shall be removed from the juvenile's record when the information is determined to be correct.
6 VAC 35-160-310		All applicable records must be expunged in accordance with court order
6 VAC 35-160-320		Participating agencies must be notified to expunge records per court order.
6 VAC 35-160-330		Details specific requirements for expunging juvenile record information in various formats

	6 VAC 35-160-340		Requires that notice be sent to VJJIS functional administrator confirming that records have been expunged per court order.
	6 VAC 35-160-350		When an expungement order is received directly by a participating agency, requires that the VJJIS functional administrator be notified
	6 VAC 35-160-355		Requires that records in the Juvenile Justice Information System be retained and disposed of in accordance with regulations issued by the Library of Virginia, and that the VJJIS functional administrator be notified when records are so disposed
	6 VAC 35-160-360		Establishes that the Department of Juvenile Justice will oversee the VJJIS system; provides for audits and inspections.
	6 VAC 35-160-370		Describes what activities and records may be audited.
	6 VAC 35-160-380		Provides for administrative sanctions when the regulations are violated; requires reports to the Board when administrative sanctions are imposed.
	6 VAC 35-160-390		Requires the Department periodically to report to the Board on the operation of the VJJIS and its oversight activities.

**Impact on family**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

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The regulation recognizes the rights of parents, guardians and other persons standing in loco parentis to access juvenile record information concerning their children, as specified in Code of Virginia § 16.1-300. (There also are specific provisions, grounded in law, for withholding certain information from parents when disclosure might be detrimental to the child. See Code of Virginia § 16.1-300.B. )

Otherwise, the regulation neither encourages nor discourages economic self-sufficiency, self-pride, or the assumption of responsibility for oneself, one’s spouse, or one’s children or elderly parents. The regulation neither strengthens nor erodes the marital commitment, and neither increases nor decreases disposable family income.