



COMPLIANCE & INVESTIGATIONS POLICY #800-01 CRIMINAL HISTORY & ONLINE PUBLIC RECORDS INFORMATION

Effective Date: June 13, 2011

Approved By:

I. PURPOSE: The purpose of this policy is to establish guidelines for requesting and handling criminal history and public records information in compliance with federal/state laws and applicable information system service/security agreements.

II. POLICY STATEMENT: The Compliance and Investigations Division of the Department of Professional and Occupational Regulation is authorized to enforce laws and conduct criminal investigations within its jurisdiction (§ 19.2-389 of the *Code of Virginia*). Pursuant to § 54.1-306 of the *Code of Virginia*, the Director and investigators are authorized to request and receive criminal history and public records information from Central Criminal Records Exchange (CCRE), Virginia Criminal Information Network (VCIN), National Crime Information Center (NCIC), the Interstate Identification Index (III) files, and the LexisNexis® Accurint® Public Records System. In addition, select Licensing and Regulation Division personnel are authorized to utilize the LexisNexis® Public Records Depository for information verification purposes only.

III. DEFINITIONS:

Criminal History Information Information regarding arrests and disposition received from the Central Criminal Records Exchange (CCRE), other state central bureaus, the FBI and other law enforcement agencies.

IV. RELATED DOCUMENTS:

- ➔ [DPOR IT Policy #400-03 Information Technology Security Program](#)
- ➔ [Information Security Access Agreement](#)

V. GENERAL PROVISIONS:

A. REQUESTS FOR CRIMINAL HISTORY INFORMATION

1. All Department of Professional and Occupational Regulation employees and consultants are required to sign an [Information Security Access Agreement](#) in accordance with Information Technology Policy #400-03, Information Technology Security Program.
2. Investigators may use criminal history information during a criminal investigation. Investigations are deemed criminal in nature until a determination has been made to proceed under the Administrative Process Act (APA) for a case decision. Matters of a criminal nature arising after an APA case decision shall be reviewed by the appropriate Executive Director and the Investigations Director. Licensing and Regulation Division staff who believe that an applicant has provided false information on an application regarding criminal convictions or any other false information shall forward that information to the Compliance and Investigations Division for alleged violations of §54.1-111 of the *Code of Virginia* or other applicable code section.
3. Investigator requests for criminal history information shall be directed to the investigator assigned to the secured VCIN terminal in the Compliance and Investigations Division.

B. USE AND DESTRUCTION OF CRIMINAL HISTORY INFORMATION

1. All criminal history information is confidential and its use is limited to those individuals who are authorized by statute to receive such information.
2. Criminal history printouts from the VCIN terminal shall not be copied or shared with personnel outside of the Compliance and Investigations Division. Criminal history documents shall not be stored in investigation files, but shall be secured with the investigators' working papers during the investigation. Upon completion of the investigation, the records shall be shredded.

C. LexisNexis® ACCURINT® PUBLIC RECORDS

1. All Compliance and Investigations and Licensing and Regulation Division personnel shall comply with the terms and conditions of the LexisNexis® Non-FCRA (Fair Credit and Reporting Act) Agreement and the Department's Information Security Access Agreement.
2. All LexisNexis® Accurint® Public Records inquiries shall be logged on the LexisNexis User Inquiry Log which shall be available for management inspection at all times.
3. Information obtained by the Licensing and Regulation Division from LexisNexis® Accurint® Public Records System shall be used for information verification purposes only and shall not be disclosed to anyone outside of DPOR. Only information verified through a publicly available source may be disclosed to an outside party.