

TITL: Compendium of State Privacy and Security Legislation: 1997
Overview - ALABAMA ; 26-1-4 Revised Statutes Annotated

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privacy and security of criminal justice information.

ALABAMA

TITLE 26. INFANTS AND INCOMPETENTS

CHAPTER 1. GENERAL PROVISIONS

Code of Ala. @ 26-1-4. (1987)

@ 26-1-4. Department of public safety to provide criminal conviction information on applicants for positions involving child care and treatment; such information to be confidential; applicant to be denied status if has felony conviction; children may be removed from home.

(a) Notwithstanding any other provisions of law to the contrary, upon request to the department of public safety, by the department of human resources, or by any other youth service agency approved by the department, such center shall provide information to the department of an approved agency concerning the felony criminal conviction record in this or another state of an applicant for a paid or voluntary position, including one established by contract, whose primary duty is the care or treatment of children, including applicants for adoption or foster parents. All information, including any criminal conviction record, procured by the department or an approved agency shall be confidential and shall not be further disclosed by such agencies or their representatives. The applicant may be denied an adoptive or foster parent status if he or she has a felony conviction, and if a foster parent is subsequently convicted of a felony the child or children may be removed from that home and relocated with another foster parent. This determination shall be made by the court handling the matter, giving primary consideration to the best interests of the child.

(b) The department of public safety shall provide appropriate forms and shall create a procedure for the application for such information.

(c) Any violation of the provisions of this section relative to the confidentiality of information received by the department or other approved agency shall be punishable by a fine of not more than \$1,000.00.

ARTICLE 4.

CRIMINAL HISTORY INFORMATION.

Effective date. — The act that added this article became effective November 1, 1992.

§ 32-2-60. **Definitions.**

When used in this article, the following terms have the following meanings, respectively, unless the context clearly indicates a different meaning:

(1) **CRIMINAL HISTORY INFORMATION.** Information collected and stored in the criminal record repository of the Department of Public Safety reflecting the result of an arrest, detention, or initiation of a criminal proceeding by criminal justice agencies, including, but not limited to, arrest record information, fingerprint cards, correctional induction and release information, identifiable descriptions and notations of arrests, detentions, indictments, or other formal charges. The term shall not include analytical records or investigative reports that contain criminal intelligence information or criminal investigation information.

(2) **CRIMINAL JUSTICE AGENCY.** Any municipal, county, state or federal agency whose personnel have power of arrest and who perform a law enforcement function. This definition shall also include the Attorney General of the State of Alabama, all federal and state prosecuting attorneys, and all municipal, state, and federal judges.

(3) **DEPARTMENT.** The Department of Public Safety.

(4) **DIRECTOR.** The Director of the Department of Public Safety.

(5) **PERSON.** Any individual, partnership, corporation, association, business, government, governmental subdivision, or agency, or any other public or private entity. (Acts 1992, 2nd Ex. Sess., No. 92-676, p. 56. § 1.)

§ 32-2-61. **Release of information and fees.**

(a) The director may open to any person for inspection, copying, and mechanical reproduction, during the department's regular business hours, criminal history information on any individual, if the individual has given written permission for the release of the information to the requester and if the opening of the information is not forbidden by order of any court of

ALABAMA

§ 32-2-62

MOTOR VEHICLES AND TRAFFIC

§ 32-2-63

competent jurisdiction or by federal law. Any person requesting criminal history information from the department must present to the department, along with the request, a copy of the required written permission.

(b) The director shall establish and collect a nonrefundable fee for costs incurred by the department in providing the requested criminal history information. The fee shall be \$25.00. The proceeds shall be deposited in the State Treasury to the credit of the public safety automated fingerprint identification system fund, which is hereby created. All money deposited in the State Treasury to the credit of the public safety automated fingerprint identification system fund shall be expended for the department's administrative costs for maintaining and providing the information and for operations and maintenance of the automated fingerprint identification system. No money shall be withdrawn or expended from the fund for any purpose unless the money has been allotted and budgeted in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the legislature in the general appropriations bill or other appropriation bills.

(c) Criminal justice agencies and the Alabama Peace Officers Standards and Training Commission requests for criminal history information are hereby exempted from the fee requirements in subsection (b) except when such requests pertain to municipal or county ordinances intended to screen perspective employees of private entities.

(d) Requests for national criminal history record access, authorized by federal law, passing through the criminal record repository of the Department to the Federal Bureau of Investigation require the submission of an additional fee as specified by the Federal Bureau of Investigation to cover their costs of processing the request. In addition to the fee specified in subsection (b) the director shall collect a fee and deposit same into the public safety automated fingerprint identification system fund for payment of the fee specified by the Federal Bureau of Investigation for national criminal history record access. (Acts 1992, 2nd Ex. Sess., No. 92-676, p. 56, § 2.)

§ 32-2-62. Promulgation of procedures and regulations.

In accordance with the Administrative Procedure Act, the director shall promulgate reasonable procedures and regulations for the implementation of this article. (Acts 1992, 2nd Ex. Sess., No. 92-676, p. 56, § 3.)

§ 32-2-63. Unauthorized dissemination of information.

Any person who willfully disseminates information other than the information authorized by this article, is guilty of a Class C misdemeanor and upon conviction thereof shall be punished as prescribed by law. (Acts 1992, 2nd Ex. Sess., No. 92-676, p. 56, § 4.)

ALABAMA

Alabama Code

ARTICLE 23.

CRIMINAL JUSTICE INFORMATION
CENTER COMMISSION.

Division 1.

General Provisions.

§ 41-9-590. Definitions.

When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates a different meaning:

(1) **CRIMINAL JUSTICE AGENCIES.** Such term shall include those public agencies at all levels of government which perform as their principal function activities or planning for such activities relating to the identification, apprehension, prosecution, adjudication or rehabilitation of civil, traffic and criminal offenders.

(2) **OFFENSE.** Any act which is a felony or is a misdemeanor as described in section 41-9-622.

(3) **CRIMINAL JUSTICE INFORMATION SYSTEM and SYSTEM.** Such terms shall include that portion of those public agencies, procedures, mechanisms, media and criminal justice information center forms as well as the information itself involved in the origination, transmittal, storage, retrieval, analysis and dissemination of information related to reported offenses, offenders and actions related to such events or persons required to be reported to and received by, as well as stored, analyzed and disseminated by the Alabama criminal justice information center commission through the center.

(4) **COMMISSION.** The Alabama criminal justice information center commission.

(5) **ACJICC.** The Alabama criminal justice information center commission.

(6) **ACJIC.** The Alabama criminal justice information center.

(7) **CENTER.** The Alabama criminal justice information center.

(8) **DIRECTOR.** The director of the Alabama criminal justice information center. (Acts 1975, No. 872, § 1.)

§ 41-9-591. Creation; functions generally; responsibility for development, administration, etc., of Alabama criminal justice information center.

There is hereby created and established an Alabama criminal justice information center commission, which shall establish, develop and continue to operate a center and system for the interstate and intrastate accumulation, storage, retrieval, analysis and dissemination of vital information relating to certain crimes, criminals and criminal activity to be known as the Alabama criminal justice information center.

§ 41-9-592

STATE GOVERNMENT

§ 41-9-593

Central responsibility for the development, maintenance, operation and administration of the Alabama criminal justice information center shall be vested with the director of the ACJIC under the supervision of the Alabama criminal justice information center commission. (Acts 1975, No. 872, § 2.)

§ 41-9-592. Composition of commission; terms of service of members of commission.

The commission shall be composed of two sections.

The voting section will include: the attorney general, the chairman of the board of pardons and paroles, the commissioner of the board of corrections, the president of the Alabama sheriffs' association, the director of the department of public safety, the president of the Alabama association of chiefs of police, the director of the Alabama law enforcement planning agency, the president of the district attorney's association, the president of the circuit clerks' association, the chief justice of the Alabama supreme court, the president of the Alabama association of intermediate court judges, the president of the circuit judges' association, the governor's coordinator of Alabama highway and traffic safety and the director of the data systems management division of the Alabama department of finance.

The advisory section will include: the presiding officer of the Alabama senate, the speaker of the Alabama house of representatives, the president of the association of county commissions of Alabama, the president of the Alabama league of municipalities, the administrative director of the courts and a citizen of the state of Alabama, to be appointed by the governor. The member shall have authority to select a designee based upon qualifications and with a view of continuity of representation and attendance at the commission meetings.

No person or individual shall continue to serve on the commission when he no longer officially represents the function or serves in the capacity enumerated in this section as a member to which he was elected or appointed. (Acts 1975, No. 872, § 3.)

§ 41-9-593. Chairman and vice-chairman; meetings; quorum; record of transactions discussed or voted upon; compensation of members of commission.

The commission shall, upon its first meeting, elect from its membership a chairman and a vice-chairman who shall serve for a period of one year. The vice-chairman shall act in the place of the chairman in his absence or disability.

The commission shall meet at such times as designated by the commission or by the chairman at the state capital or at other places as is deemed necessary or convenient, but the chairman of the commission must call a meeting four times a year at the state capital or main location of the ACJIC in the months of January, April, July and October. The chairman of the commission may also call a special meeting of the commission at any time he deems it advisable or necessary. A quorum shall be a simple majority of the voting commission

§ 41-9-594

BOARDS AND COMMISSIONS

§ 41-9-595

membership or their designees and all matters coming before the commission shall be voted on by the commission.

The commission will keep or cause to be kept a record of all transactions discussed or voted on by the commission.

Members of the commission and their designees shall serve without compensation; except, that payment of their expenses may be paid in accordance with the applicable state travel regulations. (Acts 1975, No. 872, § 4.)

§ 41-9-594. Establishment of rules, regulations and policies by commission generally; establishment of policies, safeguards, etc., as to collection, use, dissemination, etc., of criminal justice information; establishment, etc., of privacy and security committee.

The commission shall establish its own rules, regulations and policies for the performance of the responsibilities charged to it in this article.

The commission shall ensure that the information obtained under authority of this article shall be restricted to the items germane to the implementation of this article and shall ensure that the Alabama criminal justice information center is administered so as not to accumulate any information or distribute any information that is not required by this article. The commission shall ensure that adequate safeguards are incorporated so that data available through this system is used only by properly authorized persons and agencies.

The commission shall appoint a privacy and security committee from the membership of the commission who are elected officials, consisting of a chairman and three members, to study the privacy and security implications of criminal justice information and to formulate policy recommendations for consideration by the commission concerning the collection, storage, dissemination or usage of criminal justice information. The commission may establish other policies and promulgate such regulations that provide for the efficient and effective use and operation of the Alabama criminal justice information center under the limitations imposed by the terms of this article. (Acts 1975, No. 872, § 5.)

§ 41-9-595. Director and deputy director of criminal justice information center.

The commission shall appoint a director and a deputy director for the Alabama criminal justice information center who shall be responsible for the development, maintenance and operation of the ACJIC as required by the terms of this article and the implementation and operation of policies, programs and procedures established by the commission under the limitations of this article. The qualifications of the director and deputy director shall be determined by the state personnel department. (Acts 1975, No. 872, § 6.)

§ 41-9-596

STATE GOVERNMENT

§ 41-9-600

§ 41-9-596. Maintenance of staff and support services for center.

The director shall maintain the necessary staff along with support services necessary to enable the effective and efficient performance of the duties and responsibilities ascribed to the ACJIC in this article under the supervision of the commission. (Acts 1975, No. 872, § 7.)

§ 41-9-597. Applicability of rules and regulations of state personnel merit system to staff and personnel employed by commission; employment conditions, etc., of employees of agencies or institutions transferred to center or commission.

The staff and personnel employed by the commission for the development and operation of the center and system shall be governed by the personnel merit system rules and regulations of the state personnel department.

Employees of agencies or institutions which are transferred to the center or commission under the provisions of this article shall remain in their respective employments and shall be considered to meet the requirements of the department in terms of training and experience, but nothing in this section shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law. Such employees shall continue to enjoy employment conditions, including, but not limited to, salary range and advancement at a level no less than those enjoyed prior to transfer to the center or commission. All time accumulated while engaged in such prior employment shall be credited toward all privileges enjoyed under state merit employment. (Acts 1975, No. 872, § 8.)

§ 41-9-598. Appeals from rules and regulations promulgated by commission.

The process for appeals by an individual or governmental body of any rules and regulations promulgated by the commission shall first be to the commission proper. The appellant may present his argument at a regular meeting of the commission requesting the alteration or suggesting the nonapplicability of a particular rule and/or regulation. If the appellant is not satisfied by the action of the commission, then an appeal may be made to the circuit court in Montgomery county. (Acts 1975, No. 872, § 42.)

§ 41-9-599. Annual request for funds and budget; appropriations.

Annually the commission shall present to the governor a request for funds based on projected needs for criminal justice information systems in the state, together with a budget showing proposed expenditures, and the governor may include in his appropriation bill a request for funds to meet the financial needs of the commission. (Acts 1975, No. 872, § 43.)

§ 41-9-600. Failure of officer or official to make report or do act required by article.

Any officer or official mentioned in this article who neglects or refuses to make any report or to do any act required in this article shall be subject to

§ 41-9-601

BOARDS AND COMMISSIONS

§ 41-9-603

prosecution for a misdemeanor and, if found guilty, may be fined not less than \$100.00 nor more than \$10,000.00 and may be confined in a county jail for not more than one year. He shall also be subject to prosecution for nonfeasance and, if found guilty, shall be subject to removal from office therefor. (Acts 1975, No. 872, § 37.)

§ 41-9-601. Obtaining, etc., of criminal offender record information under false pretenses, falsification of information, etc.

Any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses or who willfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with this article, or any member, officer, employee or agent of the ACJICC, the ACJIC or any participating agency who willfully falsifies criminal offender record information or any records relating thereto shall, for each offense, be fined not less than \$5,000.00 nor more than \$10,000.00 or imprisoned in the state penitentiary for not more than five years or both. (Acts 1975, No. 872, § 35.)

§ 41-9-602. Communication, etc., of criminal offender record information in violation of article.

Any person who knowingly communicates or seeks to communicate criminal offender record information, except in accordance with this article, shall, upon conviction, be guilty of a misdemeanor and, for each such offense, may be fined not less than \$500.00 nor more than \$10,000.00 or imprisoned for not less than 30 days nor more than one year or both. (Acts 1975, No. 872, § 36.)

§ 41-9-603. Effect of article upon other provisions of law, etc.

(a) In the event of conflict, this article shall, to the extent of the conflict, supersede all conflicting parts of existing statutes which regulate, control or otherwise relate, directly or by implication, to the collection, storage and dissemination or usage of fingerprint identification, offender criminal history, uniform crime reporting and criminal justice activity data records or any conflicting parts of existing statutes which relate, directly or by implication, to any other provisions of this article.

(b) The provisions of this article shall not alter, amend or supersede the statutes and rules of law governing the collection, storage, dissemination or usage of records concerning individual juvenile offenders in which they are individually identified by name or other means until such time as the Alabama legislature provides legislation permitting the collection, storage, dissemination or usage of records concerning individual juvenile offenders.

(c) All laws or parts of laws which conflict with this article are hereby repealed. No part of this article shall violate provisions of article 8 of chapter 4 of Title 41 of this Code, Article VI of the Constitution of Alabama of 1901 or chapter 1 of Title 44 of this Code. (Acts 1975, No. 872, §§ 38, 39, 41.)

*Division 2.**Collection, Dissemination, etc., of
Criminal Data.***§ 41-9-620. Commission to provide for uniform crime reporting system.**

The commission shall provide for a uniform crime reporting system for the periodic collection and analysis of crimes reported to any and all criminal justice agencies within the state. The collection of said data and the time for submission of said data shall be subject to the commission's regulation-making authority. (Acts 1975, No. 872, § 9.)

§ 41-9-621. Powers and duties of commission as to collection, dissemination, etc., of crime and offender data, etc., generally.

The commission, acting through the director of the Alabama criminal justice information center, shall:

- (1) Develop, operate and maintain an information system which will support the collection, storage, retrieval, analysis and dissemination of all crime and offender data described in this article consistent with those principles of scope, security and responsiveness prescribed by this article;
- (2) Cooperate with all criminal justice agencies within the state in providing those forms, procedures, standards and related training assistance necessary for the uniform operation of the statewide ACJIC crime reporting and criminal justice information system;
- (3) Offer assistance and, when practicable, instruction to all criminal justice agencies in establishing efficient systems for information management;
- (4) Compile statistics on the nature and extent of crime in Alabama and compile data for planning and operating criminal justice agencies; provided, that such statistics shall not identify persons. The commission shall make available all such statistical information obtained to the governor, the legislature, the judiciary and any such other governmental agencies whose primary responsibilities include the planning, development or execution of crime reduction programs. Access to such information by such governmental agencies shall be on an individual written request basis or in accordance with the approved operational procedure, wherein must be demonstrated a need to know, the intent of any analyses and dissemination of such analyses, and shall be subject to any security provisions deemed necessary by the commission;
- (5) Periodically publish statistics, no less frequently than annually, that do not identify persons and report such information to the chief executive officers of the agencies and branches of government concerned; such information shall accurately reflect the level and nature of crime in this state and the general operation of the agencies within the criminal justice system;
- (6) Make available, upon request, to all criminal justice agencies in this state, to all federal criminal justice and criminal identification agencies and to state criminal justice and criminal identification agencies in other states any

§ 41-9-622

BOARDS AND COMMISSIONS

§ 41-9-622

information in the files of the ACJIC which will aid these agencies in crime fighting; for this purpose the ACJIC shall operate 24 hours per day, seven days per week;

(7) Cooperate with other agencies of this state, the crime information agencies of other states and the uniform crime reports and national crime information center systems of the federal bureau of investigation or any entity designated by the federal government as the central clearinghouse for criminal justice information systems in developing and conducting an interstate, national and international system of criminal identification, records and statistics;

(8) Provide the administrative mechanisms and procedures necessary to respond to those individuals who file requests to view their own records as provided for elsewhere in this article and to cooperate in the correction of the central ACJIC records and those of contributing agencies when their accuracy has been successfully challenged either through the related contributing agencies or by court order issued on behalf of the individual; and

(9) Institute the necessary measures in the design, implementation and continued operation of the criminal justice information system to ensure the privacy and security of the system. Such security measures must meet standards to be set by the commission as well as those set by the nationally operated systems for interstate sharing of such information. (Acts 1975, No. 872, § 10.)

§ 41-9-622. Report, collection, dissemination, etc., of data pertaining to persons arrested or convicted of felonies or certain misdemeanors generally.

The commission is authorized to obtain, compare, file, analyze and disseminate, and all state, county and municipal criminal justice agencies are required to report fingerprints, descriptions, photographs and any other pertinent identifying and historical criminal data on persons who have been or are hereafter arrested or convicted in this state or any state for an offense which is a felony or an offense which is a misdemeanor escalating to a felony involving, but not limited to: possession of burglary tools or unlawful entry; engaging in unlawful commercial gambling; dealing in gambling; dealing in gambling devices; contributing to the delinquency of a child; robbery, larceny or dealing in stolen property; possession of controlled substances and illegal drugs, including marijuana; firearms; dangerous weapons; explosives; pandering; prostitution; rape; sex offenses, where minors or adults are victims; misrepresentation; fraud; and worthless checks. (Acts 1975, No. 872, § 11.)

§ 41-9-623

STATE GOVERNMENT

§ 41-9-625

§ 41-9-623. Submission to department of public safety by criminal justice agencies of fingerprints, photographs, etc., of persons arrested for felonies and misdemeanors described in section 41-9-622; duty of sheriffs, parole and probation officers, etc., to furnish other data to center.

All criminal justice agencies within the state shall submit to the ACJIC, by forwarding to the Alabama department of public safety, fingerprints, descriptions, photographs, when specifically requested, and other identifying data on persons who have been lawfully arrested in this state for all felonies and certain misdemeanors described in section 41-9-622.

It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, parole and probation officers, wardens or other persons in charge of correctional or detention institutions in this state to furnish the ACJIC with any other data deemed necessary by the commission to carry out its responsibilities under this article. (Acts 1975, No. 872, § 12.)

§ 41-9-624. Determination by commission as to criminal record of person arrested and notification of requesting agency or arresting officer.

The commission is authorized to compare all fingerprints and other identifying data received with information already on file, to ascertain whether or not a criminal record is found for that person and at once to inform the requesting agency or arresting officer of such facts. (Acts 1975, No. 872, § 15.)

§ 41-9-625. Obtaining by law enforcement and correction agencies of fingerprints, photographs, etc., of persons arrested as fugitives from justice, unidentified human corpses, etc.; procedure where persons arrested released without charge or cleared of offense.

All persons in this state in charge of law enforcement and correction agencies shall obtain or cause to be obtained the fingerprints according to the fingerprint system of identification established by the commission, full face and profile photographs, if photo equipment is available, and other identifying data of each person arrested for an offense of a type designated in section 41-9-622, of all persons arrested or taken into custody as fugitives from justice and of all unidentified human corpses in their jurisdictions, but photographs need not be taken if it is known that photographs of the type listed taken within the previous year are on file. Fingerprints and other identifying data of persons arrested for offenses other than those designated in this article may be taken at the discretion of the agency concerned.

If any person arrested or taken into custody is subsequently released without charge or cleared of the offense through criminal justice proceedings, such disposition shall be reported by all state, county and municipal criminal justice agencies to ACJIC within 30 days of such action, and all such information shall be eliminated and removed. (Acts 1975, No. 872, § 19.)

§ 41-9-626

BOARDS AND COMMISSIONS

§ 41-9-628

§ 41-9-626. Forwarding of fingerprints, photographs, etc.

Fingerprints and other identifying data required to be taken by this article shall be forwarded within 24 hours after taking for filing and classification, but the period of 24 hours may be extended to cover any intervening holiday or weekend. Photographs taken shall be forwarded at the discretion of the agency concerned; but, if not forwarded, the fingerprint record shall be marked "photo available," and the photographs shall be forwarded subsequently if the commission so requests. (Acts 1975, No. 872, § 20.)

§ 41-9-627. Forwarding to department of public safety of descriptions of arrest warrants which cannot be served; notice where warrant subsequently served or withdrawn; annual, etc., confirmation of warrants remaining outstanding.

All persons in this state in charge of criminal justice agencies shall submit to the ACJIC by forwarding to the Alabama department of public safety detailed descriptions of arrest warrants and related identifying data immediately upon determination of the fact that the warrant cannot be served for the reasons stated.

If the warrant is subsequently served or withdrawn, the criminal justice agency concerned must immediately notify the ACJIC of such service or withdrawal.

The agency concerned also must annually, no later than January 31 of each year and at other times if requested by the commission, confirm to the ACJIC all arrest warrants of this type which continue to be outstanding. (Acts 1975, No. 872, § 21.)

§ 41-9-628. Obtaining and forwarding to department of public safety by penal and correctional institutions of fingerprints, photographs, etc., of persons committed thereto; procedure upon release of such persons.

All persons in charge of state penal and correctional institutions shall obtain fingerprints, according to the fingerprint system of identification established by the commission, and full face and profile photographs of all persons received on commitment to these institutions. The prints so taken shall be forwarded to the ACJIC by forwarding to the Alabama department of public safety together with any other identifying data requested within 10 days after the arrival at the institution of the person committed.

At the time of release, the institution will again obtain fingerprints as before and forward them to ACJIC within 10 days along with any other related information requested by the commission. Immediately upon release, the institution shall notify ACJIC of the release of such person. (Acts 1975, No. 872, § 22.)

§ 41-9-629

STATE GOVERNMENT

§ 41-9-633

§ 41-9-629. Forwarding of data to criminal justice information center by department of public safety.

The Alabama department of public safety shall forward to ACJIC within a reasonable period, not to exceed 72 hours, all data collected pursuant to sections 41-9-623, 41-9-627 and 41-9-628. (Acts 1975, No. 872, § 23.)

§ 41-9-630. Furnishing of other identifying data to center by criminal justice agencies generally; furnishing of information in criminal identification files.

All persons in charge of criminal justice agencies in this state shall furnish the ACJIC with any other identifying data required in accordance with guidelines established by the ACJIC.

All criminal justice agencies in this state having criminal identification files shall cooperate in providing to ACJIC information in such files as will aid in establishing the nucleus of the state criminal identification file. (Acts 1975, No. 872, § 24.)

§ 41-9-631. Submission by criminal justice agencies of uniform crime reports; contents thereof.

All criminal justice agencies within the state shall submit to the ACJIC periodically, at a time and in such a form as prescribed by the commission, information regarding only the cases within its jurisdiction. Said report shall be known as the "Alabama uniform crime report" and shall include crimes reported and otherwise processed during the reporting period.

Said report shall contain the number and nature of offenses committed, the disposition of such offenses and such other information as the commission shall specify relating to the method, frequency, cause and prevention of crime. (Acts 1975, No. 872, § 25.)

§ 41-9-632. Submission of uniform crime reports by other governmental agencies; use of information contained therein.

Any governmental agency which is not included within the description of those departments and agencies required to submit the uniform crime report which desires to submit such a report shall be furnished with the proper forms by the ACJIC. When a report is received by ACJIC from a governmental agency not required to make such a report, the information contained therein shall be included within the periodic compilation provided for in this article. (Acts 1975, No. 872, § 30.)

§ 41-9-633. Reporting by criminal justice agencies of persons wanted and vehicles and property stolen.

All criminal justice agencies within the state shall report to the ACJIC, in a time and manner prescribed by the commission, all persons wanted by and all vehicles and property stolen from their jurisdictions. The reports shall be made

§ 41-9-634

BOARDS AND COMMISSIONS

§ 41-9-637

as soon as is practical after the investigating department or agency either ascertains that a vehicle or identifiable property has been stolen or obtains a warrant for an individual's arrest or determines that there are reasonable grounds to believe that the individual has committed the crime. In no event shall this time exceed 12 hours after the reporting department or agency determines that it has grounds to believe that a vehicle or property was stolen or that the wanted person should be arrested. The commission shall have authority to institute any and all procedures necessary to trace and complete the investigative cycles of stolen vehicles or wanted persons. (Acts 1975, No. 872, § 26.)

§ 41-9-634. Notification of center, etc., of apprehension of person or recovery of property.

If it is determined by the reporting agency that a person is no longer wanted due to his apprehension or any other factor, or when a vehicle or property reported stolen is recovered, the determining agency shall notify immediately the Alabama criminal justice information center. Furthermore, if the agency making such apprehension or recovery is other than the one which made the original wanted or stolen report, then it shall notify immediately the originating agency of the full particulars relating to such apprehension or recovery. (Acts 1975, No. 872, § 27.)

§ 41-9-635. Supplying of information on delinquent parolees by probation and parole officers.

All probation and parole officers shall supply the ACJIC with the information on delinquent parolees required by this article in a time and manner prescribed by the commission. (Acts 1975, No. 872, § 29.)

§ 41-9-636. Limitations upon provision of information generally.

Provision of information under this article shall be limited by all constitutional provisions, limitations and guarantees, including, but not limited to, due process, the right of privacy and the tripartite form of Alabama's state government. (Acts 1975, No. 872, § 41.)

§ 41-9-637. Obtaining and dissemination of identifying data and criminal histories generally — Persons convicted of offenses described in section 41-9-622 and confined to jails, workhouses, etc.

Pertinent identifying data and historical criminal information may be obtained and disseminated on any person confined to any workhouse, jail, reformatory, prison, penitentiary or other penal institution having been convicted of an offense described in section 41-9-622. (Acts 1975, No. 872, § 13.)

§ 41-9-638

STATE GOVERNMENT

§ 41-9-643

§ 41-9-638. Same — Unidentified human corpses found in state.

Pertinent identifying data and historical criminal information may be obtained and disseminated on any unidentified human corpse found in this state. (Acts 1975, No. 872, § 14.)

§ 41-9-639. Information which may be included in criminal histories.

Information in a criminal history, other than physical and identifying data, shall be limited to those offenses in which a conviction was obtained or to data relating to the current cycle of criminal justice administration if the subject has not yet completed that cycle. (Acts 1975, No. 872, § 16.)

§ 41-9-640. Log of disseminations of criminal histories.

A log shall be maintained of all disseminations made of each criminal history, including the date of information request and the recipient of said information. (Acts 1975, No. 872, § 17.)

§ 41-9-641. Dissemination of information to criminal justice agencies outside state.

The ACJIC shall not disseminate any information concerning any person to any criminal justice agencies outside of the state of Alabama unless said information pertains to a conviction of the person. (Acts 1975, No. 872, § 6.)

§ 41-9-642. Unconstitutional, etc., invasions of privacy of citizens not authorized by article; disclosure of criminal histories, etc., which might lead to identification of individuals to whom information pertains not to be made to persons, agencies, etc., not having "need to know" or "right to know."

Nothing in this article shall be construed to give authority to any person, agency or corporation or other legal entity to invade the privacy of any citizen as defined by the Constitution, the legislature or the courts other than to the extent provided in this article.

Disclosure of criminal histories or other information that may directly or otherwise lead to the identification of the individual to whom such information pertains may not be made to any person, agency, corporation or other legal entity that has neither the "need to know" nor the "right to know" as determined by the commission pursuant to section 41-9-594. (Acts 1975, No. 872, § 31.)

§ 41-9-643. Inspection of criminal records by persons to whom records pertain or attorneys thereof; establishment of procedures, etc., pertaining thereto by commission generally.

The center shall make a person's criminal records available for inspection to him or his attorney upon written application to the commission. Forms, procedures, identification and other related aspects pertinent to such access may

§ 41-9-644

BOARDS AND COMMISSIONS

§ 41-9-646

be prescribed by the commission in providing access to such records and information. (Acts 1975, No. 872, § 32.)

§ 41-9-644. Establishment of procedures, fees, etc., by agencies for inspection of criminal offender records; disposition of fees collected.

Agencies, including ACJIC, at which criminal offender records are sought to be inspected may prescribe reasonable hours and places of inspection and may impose such additional procedures, fees (not to exceed \$5.00) or restrictions, including fingerprinting, as are reasonably necessary to assure the records' security, to verify the identities of those who seek to inspect them and to maintain an orderly and efficient mechanism for such accesses.

All fees collected are to be forwarded to the state general fund for disposition. (Acts 1975, No. 872, § 35.)

§ 41-9-645. Purging, modification or supplementation of criminal records — Applications to agencies by individuals; appeals to circuit courts upon refusal of agencies to act, etc.; costs.

If an individual believes such information to be inaccurate or incomplete, he may request the original agency having custody or control of the detail records to purge, modify or supplement them and to so notify the ACJIC of such changes.

Should the agency decline to so act or should the individual believe the agency's decision to be otherwise unsatisfactory, the individual or his attorney may within 30 days of such decision enter an appeal to the circuit court of the county of his residence or to the circuit court in the county where such agency exists, with notice to the agency, pursuant to acquiring an order by such court that the subject information be expunged, modified or supplemented by the agency of record. The court in each such case shall conduct a de novo hearing and may order such relief as it finds to be required by law. Such appeals shall be entered in the same manner as appeals are entered from the court of probatè; except, that the appellant shall not be required to post bond nor pay the costs in advance. If the aggrieved person desires, the appeal may be heard by the judge at the first term or in chambers. A notice sent by registered or certified mail shall be sufficient service on the agency of disputed record that such appeal has been entered.

The party found to be in error shall assume all costs involved. (Acts 1975, No. 872, § 33.)

§ 41-9-646. Same — Entry of court order for purging, modification or supplementation of record and compliance therewith by agencies, etc.; notification of agencies, individual, etc., of deletions, amendments, etc., in records.

Should the record in question be found to be inaccurate, incomplete or misleading, the court shall order it to be appropriately purged, modified or supplemented by an explanatory notation. Each agency or individual in the state

§ 41-9-647

STATE GOVERNMENT

§ 41-9-648

with custody, possession or control of any such record shall promptly cause each and every copy thereof in his custody, possession or control to be altered in accordance with a court order. Notification of each such deletion, amendment and supplementary notation shall be promptly disseminated to any individuals or agencies to which the records in question have been communicated, including the ACJIC, as well as to the individual whose records have been ordered so altered. (Acts 1975, No. 872, § 34.)

§ 41-9-647. Establishment of guidelines for action and institution of actions for violations as to data reporting or dissemination.

The commission shall establish guidelines for appropriate measures to be taken in the instance of any violation of data reporting or dissemination and shall initiate and pursue appropriate action for violations of rules, regulations, laws and constitutional provisions pertaining thereto. (Acts 1975, No. 872, § 18.)

§ 41-9-648. Compilation of information and statistics pertaining to disposition of criminal cases.

The administrator of the department of court management or the chief administrative officer of any other entity that is charged with the compilation of information and statistics pertaining to the disposition of criminal cases shall report such disposition to the ACJIC within a reasonable time after formal rendition of judgment as prescribed by the commission. (Acts 1975, No. 872, § 28.)

ALABAMA

§ 15-10-90. Sheriffs to fingerprint persons taken into custody; disposition of copies of fingerprints.

It shall be the duty of the sheriff of each county in this state who shall first take a person into custody to fingerprint such person and furnish a copy of such fingerprints, with the fingerprint card properly filled out, to the director of the federal bureau of investigation, Washington, D.C., and a copy to the director, department of public safety, state bureau of investigation, Montgomery, Alabama. (Acts 1943, No. 420, p. 385, § 1.)

§ 15-10-91. Central state assembling agency for receipt of fingerprint records designated; duties thereof.

The department of public safety, state bureau of investigation, shall constitute the central assembling agency of the state of Alabama for receiving such fingerprint records. Said agency shall maintain such records and shall furnish to all law-enforcement agencies and officers of the state of Alabama any information to be derived therefrom on request in writing. (Acts 1943, No. 420, p. 385, § 2.)

§ 15-10-92. Furnishing of fingerprinting equipment generally.

The county commissions of the several counties in this state shall furnish to the sheriffs of the respective counties, at county expense, such equipment as may be required for the purpose of this article other than fingerprint cards and envelopes. (Acts 1943, No. 420, p. 385, § 3.)

§ 15-10-93. Furnishing of fingerprint cards and envelopes.

The state of Alabama, through the department of public safety, shall provide the form of the fingerprint cards and furnish the several sheriffs with said uniform fingerprint cards and envelopes. (Acts 1943, No. 420, p. 385, § 4.)

* * *

§ 36-12-40. Rights of citizens to inspect and copy public writings.

Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute. (Code 1923, § 2695; Code 1940, T. 41, § 145.)

§ 36-12-41. Public officers to provide certified copies of writings upon payment of fees therefor; admissibility in evidence of copies.

Every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor, and such copy is admissible as evidence in like cases and with like effect as the original writing. (Code 1923, § 2696; Code 1940, T. 41, § 147.)

ALABAMA

Act 85-537

Enrolled, An Act,

Relating to applicants for adoption or foster parents; to require the department of pensions and security to apply for, and for the state department of public safety to furnish, any history of prior felony convictions. The applicant shall be denied adoptive or foster parent status if he or she has a prior history of felony conviction in this or another state, and to revoke such status of foster parent if he or she is subsequently convicted of a felony; to require strict confidentiality of such reports and to provide for a fine for breach of such confidential information.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Notwithstanding any other provisions of law to the contrary, upon request to the department of public safety, by the department of pensions and security, or by any other youth service agency approved by the department, such center shall provide information to the department or an approved agency concerning the felony criminal conviction record in this or another state of an applicant for a paid or voluntary position, including one established by contract, whose primary duty is the care or treatment of children, including applicants for adoption or foster parents. All information, including any criminal conviction record, procured by the department or an approved agency shall be confidential and shall not be further disclosed by such agencies or their representatives. The applicant may be denied an adoptive or foster parent status if he or she has a felony conviction, and if a foster parent is subsequently convicted of a felony the child or children may be removed from that home and relocated with another foster parent. This determination shall be made by the court handling the matter, giving primary consideration to the best interests of the child.

ALABAMA

Act 85-537 (cont.)

Section 2. The department of public safety shall provide appropriate forms and shall create a procedure for the application for such information.

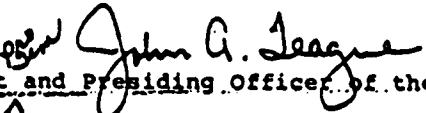
Section 3. Any violation of the provisions of this act relative to the confidentiality of information received by the department or other approved agency shall be punishable by a fine of not more than one thousand dollars

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.


Speaker of the House of Representatives


President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House April 30, 1985, as amended.

John W. Pemberton
Clerk

Senate

MAY 9 1985

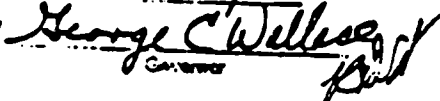
Passed



APPROVED 5-17-85

TIME 3:05 pm

AL-17


Governor

Alabama Regulations

Privacy & Security Regulation
No. 001

State of Alabama
Criminal Justice Information Center
858 South Court Street
Montgomery, Alabama 36130

ADMINISTRATIVE PROCEDURES

Purpose: This regulation sets forth the procedures for issuing new or revised privacy and security regulations and the procedure for appealing existing regulations.

1. Authority. ACJIC privacy and security regulations are issued by the ACJIC Commission through the authority of Section 5, Alabama Act No. 872, Regular Session 1975.
2. Procedure for Modification of Regulations.
 - A. Recommended changes, additions, or deletions to ACJIC privacy and security regulations should be directed to the Director, ACJIC, 858 South Court Street, Montgomery, Alabama 36130.
 - B. Proposed changes, additions, or deletions will be presented to the Privacy and Security Committee for review. Committee recommendations will be forwarded to the ACJIC Commission for approval/disapproval.
 - C. Proposed changes, additions, or deletions that are disapproved will be returned to the originator with appropriate comments as to the reason(s) for disapproval.
3. Appeal Procedures. The process of appeal by an individual or governmental body of any rule or regulation promulgated by the Commission shall first be to the Commission proper. The appellant may present his argument at a regular meeting of the Commission requesting the alteration or suggesting the nonapplicability of a particular rule and/or

regulation. If the appellant is not satisfied by the action of the Commission, then an appeal may be made to the circuit court of Montgomery County.

This regulation has been reviewed and approved by the ACJIC Commission.

Attest:



R. W. Blaylock, Director
Alabama Criminal Justice Information Center

Privacy & Security Regulation
No. 002

State of Alabama
Criminal Justice Information Center
858 South Court Street
Montgomery, Alabama 36130

DEFINITIONS

Purpose: This regulation defines terms used in ACJIC privacy and security regulations.

1. The term "criminal justice agencies" means only those public agencies, or subunits thereof, at all levels of government which perform as their principal function activities (1) relating to the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of criminal offenders; or (2) relating to the collection, storage, and dissemination of criminal justice records.

2. The terms "criminal history record information," "criminal history information," or "criminal histories" mean information compiled by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges and any disposition arising therefrom, sentencing, correctional supervision and release. It shall be understood not to include intelligence, analytical and investigative reports and files, nor statistical records and reports in which individuals are not identified and from which their identities are not ascertainable.

3. The terms "Act" or "ACJIC Act" mean Alabama Act No. 872, Regular Session, 1975.

4. The term "Commission" means Alabama Criminal Justice Information Center Commission.
5. The term "ACJIC" means Alabama Criminal Justice Information Center.
6. The term "NCIC" means the National Crime Information Center operated by the Federal Bureau of Investigation.
7. The term "CCH/OBTS system" means computerized criminal history/offender-based transaction statistics system. CCH records an offender's formal contacts with each segment of the criminal justice system. OBTS is a statistical system which describes the aggregate experiences of an offender in terms of type, relation and time-frame of the criminal justice process.
8. The term "LEDS" refers to the Law Enforcement Data System operated by the ACJIC. LEDS contains computerized files consisting of wanted persons, stolen vehicles, stolen property and firearms, vehicle and boat registration, and drivers license information.
9. The term "direct access" means access or the right to access by an agency or individual to criminal justice records maintained by the ACJIC without the intervention of another and independent agency or individual.
10. The term "indirect access" means access to criminal justice information through an agency or individual authorized direct access to criminal justice records maintained by the ACJIC.

11. The term "administration of criminal justice" means the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. It also includes criminal identification activities and the collection, storage and dissemination of criminal history record information.

12. The term "record of adjudication of guilt" means an arrest record with a court disposition noting a conviction of the offense charged.

This regulation has been reviewed and approved by the ACJIC Commission.

Attest:



R. W. Blaylock, Director
Alabama Criminal Justice Information Center

Privacy & Security Regulation
No. 003

State of Alabama
Criminal Justice Information Center
858 South Court Street
Montgomery, Alabama 36130

CRIMINAL HISTORY DISSEMINATION POLICIES & PROCEDURES

Purpose: This regulation defines criminal history information usage and dissemination for information collected, stored, processed, or disseminated by the ACJIC.

1. Agencies authorized access to criminal history record information:

A. Criminal Justice Agencies

Criminal justice agencies, upon completion of a Privacy and Security Agreement as specified in paragraph 2 of this regulation, shall be authorized direct access to criminal history record information for the following purposes:

- (1) Functions related to the administration of criminal justice.
- (2) Criminal justice agency pre-employment screening.

Criminal history record information may be disseminated directly to Federal agencies and agencies of other states only if they are criminal justice agencies within the meaning of these regulations.

B. Noncriminal Justice Agencies

The following types of noncriminal justice agencies may be authorized indirect access to criminal history record information upon approval by the appropriate authority and completion of a Privacy and Security Agreement:

- (1) Agencies authorized by State or Federal statute, executive order, local ordinance, or court order to have access to criminal history information shall be granted indirect access to such information. Dissemination

will be through the ACJIC or designated criminal justice agencies. Application for access to criminal history information under this paragraph shall be addressed to the Director, ACJIC.

(2) Agencies or individuals may be authorized access to criminal history record information for the express purpose of research, evaluative or statistical activities pursuant to a specific agreement with the ACJIC and with the approval of the ACJIC Director. Individuals or agencies seeking access under this paragraph shall submit to the ACJIC a completed research design that assures the security and confidentiality of the data. Dissemination of criminal records pursuant to this paragraph will be through the ACJIC.

(3) Businesses or private persons may be allowed access to records of adjudication of guilt for the purpose of making employment and job assignment decisions about employees or prospective employees whose duties involve or may involve:

(a) Providing services necessary to maintain the public safety of the State's citizens;

(b) Working in or near private dwellings without immediate supervision;

(c) Custody or control over access to cash or valuable items;

(d) Knowledge of or access to secret processes, trade secrets or other confidential business information; and,

(e) Insuring the security or safety of other employees, customers, or property of the employer.

Criminal records disseminated for use in employment and job assignment decisions must be based on positive identification of the subject by fingerprint comparison. The use of the information shall be limited to the purposes for which it was released. Dissemination will be through the ACJIC.

Application for records under this Section shall be in writing to the Director, ACJIC. Fees shall be charged for disseminating such records which will raise an amount of revenue which approximates, as nearly as practicable, the direct and indirect costs to the State providing the information.

(5) Agencies or individuals not otherwise authorized access to criminal history record information collected, stored, processed, or disseminated by the ACJIC, may be authorized indirect access to such information upon a demonstrated need and right to access and utilize such records. Application for access under this paragraph shall be in writing to the ACJIC Director. Upon request by the applicant or upon the ACJIC's own motion, the Privacy and Security Committee shall conduct public hearings at which it may receive evidence and hear statements concerning the application for access to criminal history record information. Access to information under this paragraph will be through the ACJIC or designated criminal justice agencies.

2. Privacy and Security Agreements. Each agency or individual authorized access to criminal history record information, whether directly or through any intermediary, shall enter into a Privacy and Security Agreement with the ACJIC.

A. Criminal justice agencies shall agree to the following:

(1) To receive, store, use, and disseminate criminal history record information in strict compliance with State and Federal statutes and regulations governing criminal history record information.

(2) To make its records available to the ACJIC for the purpose of conducting periodic audits to determine compliance with statutes and regulations governing criminal history record information.

(3) To keep such records as the ACJIC may require to facilitate such audits.

B. Noncriminal justice agencies shall agree to the following:

(1) To receive, store, and use criminal history record information in strict compliance with State and Federal statutes and regulations governing criminal history record information.

(2) To restrict the use of criminal history record information to the purposes for which it was provided and disseminate it no further.

(3) To keep such records as the ACJIC may require and to make those records available for audit to determine compliance with appropriate statutes and regulations.

(4) To familiarize personnel working with or having access to criminal history record information with the appropriate statutes and regulations governing such information.

3. General Policies on the Use and Dissemination of Criminal History Record Information.

A. Criminal history records obtained from the National Crime Information Center (NCIC) through the ACJIC are subject to the policies promulgated by the NCTC Advisory Policy Board.

ALABAMA

B. No agency or individual having access to criminal history record information maintained by the ACJIC, whether directly or through any intermediary, shall confirm the existence or nonexistence of such information to any person or agency that would not be eligible to receive the information itself.

This regulation has been reviewed and approved by the ACJIC Commission.

Attest:



R. W. Blylock, Director
Alabama Criminal Justice Information Center

ALABAMA

Privacy & Security Regulation
No. 004

State of Alabama
Criminal Justice Information Center
838 South Court Street
Montgomery, Alabama 36130

PERSONNEL SECURITY

Purpose: This regulation establishes procedures by which personnel security is achieved and maintained. The procedures include employment screening, management control, in-service training, penalties, and system discipline.

1. Employment Screening. Applicants for employment and those presently employed by the Alabama Criminal Justice Information Center or Commission whose duties require access to criminal justice information or to areas where such information is stored, must consent to an investigation of their character, previous employment, and other matters necessary to establish their suitability to work with sensitive information. Giving false information will disqualify an applicant from employment and subject a present employee to dismissal. The investigation will be designed to develop sufficient information to enable ACJIC officials to determine employability and fitness of persons entering sensitive positions.

Employees of other State government departments and employees of nongovernmental agencies providing contractual services, whose duties require access to criminal justice information or areas where such information is stored, shall be subject to pre-employment screening.

Remote terminal operators and employees of local/regional criminal justice information systems exchanging criminal justice information with the ACJIC are also subject to personnel security screening. This responsibility rests with the appropriate criminal justice agency.

ACJIC personnel records, including employment suitability and security investigations, are confidential and will be made available only to ACJIC officials who require access to such information in the performance of their official duties.

2. Management Control.

A. Personnel employed by the Data Systems Management Division (DSMD), Alabama Department of Finance, who provide data processing services to the ACJIC for the operation of the criminal justice information system, shall be subject to the management control of the ACJIC Director in the areas specified in this regulation.

The ACJIC Director shall execute a privacy and security agreement with the DSMD which shall include the following conditions:

(1) Those personnel whose assigned duties involve the collection, storage, processing, or dissemination of criminal history record information shall be under the supervision of the ACJIC Director, or his designee, while performing those duties. The ACJIC Director shall have the authority to select and/or approve all DSMD employees so assigned.

(2) Those personnel whose duties require access to criminal history record information or to areas where such information is stored shall be subject to all personnel and physical security procedures established by the ACJIC Director.

(3) Those personnel working with or having access to criminal history record information shall be subject to legal and administrative sanctions provided for the abuse, unauthorized access, disclosure, or dissemination of criminal justice information.

B. Nongovernmental agencies providing contractual services to the ACJIC, and whose employees will require access to criminal justice information or to areas where such information is stored, shall enter into a privacy and security agreement with the ACJIC. The agreement shall include provisions similar to those in paragraph A (1), (2), and (3) above.

3. In-Service Training. All persons working with or having access to criminal justice information collected, stored, processed, or disseminated by the ACJIC shall be made aware of all statutes and regulations pertaining to the privacy and security of such information. This training requirement shall apply to remote terminal operators and system personnel of local/regional criminal justice information systems interfaced with the ACJIC as well as ACJIC employees.

The ACJIC Director shall determine the method and frequency of required privacy and security training.

4. Penalties for Violation of System Security Standards. Persons employed by the ACJIC or Commission or who are otherwise under the management control of the ACJIC Director, who are found to be in violation of ACJIC privacy and security regulations or statutes and regulations governing the privacy and security of criminal justice information, may be subject to the following administrative penalties:

- A. A formal reprimand which will be made a part of the employee's permanent personnel record.
- B. Suspension without pay for a period not to exceed thirty days.
- C. Termination of employment.

All administrative penalties enumerated herein shall be administered in strict compliance with the provisions of the Alabama Code, Title 55, Chapter 9, Personnel Department and Merit System.

5. System Discipline. Persons functioning as operators for remote terminals and the personnel of local or regional criminal justice information systems that are interfaced with the statewide criminal justice information system are subject to the system security standards established by the ACJIC Commission and promulgated through ACJIC privacy and security regulations.

Any violation of the provisions of these regulations by any employee or officer of any public agency, in addition to any applicable criminal or civil penalties, should be punished by suspension, discharge, reduction in grade, or any other administrative penalties as are deemed appropriate by the agency; provided, however, that such penalties shall be imposed only if they are permissible under any applicable statutes governing the employment of the individual in question.

This regulation has been reviewed and approved by the ACJIC Commission.

Attest:



R. W. Blaylock, Director
Alabama Criminal Justice Information Center

PHYSICAL SECURITY

Purpose: This regulation defines physical security standards for the Alabama Criminal Justice Information Center and assigns responsibilities for monitoring system security.

1. Responsibility for System Security. The Director of the Alabama Criminal Justice Information Center shall insure that all personnel and units of government participating in the Alabama Criminal Justice Information System comply with the security standards adopted by the ACJIC Commission and those specified by other statutes and regulations applicable to criminal justice information systems.

2. Physical Security Standards.

A. The Alabama Criminal Justice Information Center.

The ACJIC Director shall develop and enforce procedures to reasonably protect the ACJIC from unauthorized access, theft, sabotage, natural or manmade disaster. Such procedures shall address the following areas:

- (1) Fire detection and suppression systems.
- (2) Access control to the ACJIC facility; particular attention must be given to areas where criminal justice information is processed and stored.
- (3) Visitor identification and control procedures.
- (4) Structural design of the ACJIC facility to reduce the possibility of physical damage to the system and information.

- (5) Supporting utilities.
- (6) Document control procedures to insure the proper handling of criminal justice records.

B. Local/Regional Criminal Justice Information Systems.

Agencies operating criminal justice information systems which interface with the ACJIC shall develop and implement security procedures in the following areas:

- (1) Computer centers should be protected from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or manmade disasters.
- (2) System personnel who have direct access to ACJIC criminal history record information must be screened in accordance with the requirements established by the ACJIC Commission.
- (3) Visitors to computer centers having direct access to ACJIC criminal justice information must be accompanied by staff personnel at all times.
- (4) Printed copies of criminal history record information obtained through the ACJIC must be afforded security to prevent unauthorized access or dissemination. Printed records should be destroyed when no longer needed.
- (5) Remote terminal devices accessing the ACJIC through local/regional criminal justice information systems are subject to all privacy and security regulations issued by the ACJIC Commission.

C. ACJIC Remote Terminal Devices

Agencies having direct terminal access to the ACJIC or terminal access through a local or regional information system, shall institute procedures to reasonably protect the terminal device and any criminal justice information obtained through the terminal. Such procedures must include the following minimum measures:

(1) Terminal devices must be placed in physically secure locations within the authorized agency. To be secure, the agency operating the terminal must be able to control physical access to the device on a twenty-four hour per day, seven-day per week basis.

(2) Remote terminal operators must be screened in accordance with the requirements established by the ACJIC Commission.

(3) Printed copies of criminal history record information obtained through ACJIC remote terminals must be afforded security to prevent unauthorized access to or use of that information.

This regulation has been reviewed and approved by the ACJIC Commission.

Attest:



R. W. Slaylock, Director
Alabama Criminal Justice Information Center