

Applicant Privacy Rights

As an applicant who is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history check for a non-criminal justice purpose (such as an application for criminal justice or non-criminal justice employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulation (CFR), 50.12, among other authorities.

- You must be provided written notification that your fingerprints/biometrics will be used to check the criminal history records maintained by the Georgia Crime Information Center (GCIC) and the FBI, when a federal record check is so authorized.
- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or explained.
- You must be advised in writing of the procedures for obtaining a change, correction, or update of your criminal history record as set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on the information in the criminal history record.
- If agency policy permits, the officials may provide you with a copy of your criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may find information regarding how to obtain a copy of your Georgia criminal history record at the GBI website: <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-asked-questions> Information regarding how to obtain a copy of your FBI criminal history record is located at the FBI website: <https://www.edo.cjis.gov>
- If you decide to challenge the accuracy or completeness of your criminal history record, you should contact and send your challenge to the agency that contributed the questioned information. If the disputed arrest occurred in the State of Georgia, you may send your challenge directly to the GCIC. Contact information for the GCIC can be found at <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-asked-questions> Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenge entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for the authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

Privacy Act Statement

This privacy act statement is located on the back of the (blue) FD-258 fingerprint card.

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principle Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 02/04/2021



Applicant Privacy Rights Notification Policy

Criminal Justice Agency and Governmental Non-Criminal Justice Agency

Standard Operating Procedure

Subject:

Applicant Notification Policy for Information derived from the Georgia Crime Information Center (GCIC) Criminal Justice Information System (CJIS) network.

Notification:

The City of Suwanee conducts or requests fingerprint-based background checks for criminal justice or governmental non-criminal justice employment through GCIC. Prior to fingerprinting, individuals must complete an application and receive a copy of the Applicant Privacy Rights and the Privacy Act Statement. The Applicant Privacy Rights and Privacy Act Statement are provided to the applicant by: (Choose one or more of the following)

- A copy is provided as part of the application packet
- GAPS registration in which the applicant is responsible for registering
- A copy is provided to the applicant at the time of fingerprinting

Once the applicant had read the Applicant Privacy Rights and the Privacy Act Statement, the applicant will sign the Applicant Privacy Rights Notification Signature form stating the notification was received.

The agency will maintain the signed document for the duration of the audit cycle, no less than three years.

Record Challenge/Correction:

If an applicant chooses to challenge the accuracy of the criminal history record or needs to correct or update a record, they will be given 30 days to do so.

The applicant is notified that the procedures for challenging an FBI record are set forth in 28 CFR 16.30 through 16.34 and the procedures for challenging a Georgia record can be found on the GBI website.

The applicants will not be given a copy of the fingerprint-based criminal history record.

The agency is not authorized to release the name-based criminal history record.

Appeal Process:

The applicant is provided an opportunity to appeal an adverse decision based on the criminal history record information provided from the fingerprint-based background check. The procedures for the appeal process are as follows:

- The Business Service Division Director will issue a written notice.
- Applicant can file for an appeal to the City of Suwanee.
- A hearing shall be conducted within 45 days of the appeal.
- After the appeal the board will contact the Business Service Division Director of any finding within 15 days after the appeal.
- The Business Services Division Director will notify the appellant of any action of the zoning board of appeals.



**Georgia Crime Information Center
Reference Material
Non-Criminal Justice
Applicant Privacy Rights Notification Policy**

Standard Operating Procedure

Subject:

Applicant Notification Policy for Information derived from the Georgia Crime Information Center (GCIC) Criminal Justice Information System (CJIS) Network.

Effective Date: 08/20/2019

Revised Date: 04/19/2023

Notification

The City of Suwanee employs/licenses alcohol applicants and as a part of the process conducts fingerprint-based background checks through the Georgia Crime Information Center. Prior to fingerprinting, each applicant must complete an application and receive a copy of both the Applicant Privacy Rights and the Privacy Act Statement. The City of Suwanee provides the applicant with the privacy rights via:

- o GAPS registration in which the applicant is responsible for registering
- o A copy is provided to the applicant at the time of fingerprinting
- o A copy is provided as part of the application packet
- o A copy is posted near the livescan machine

Once the applicant has read and understands the Applicant Privacy Rights and the Privacy Act Statement, they will sign a form or log stating the notification was received. A copy of the signed form or log must be maintained by the agency for no less than 3 years.

Record Challenge/Correction

If an applicant chooses to challenge the accuracy of the criminal history record or needs to correct or update a record, they will be given 30 days to do so. The applicant is notified that the procedures for challenging an FBI record are set forth in 28 CFR 16.30 through 16.34 and the procedures for challenging a Georgia can be found on the GBI website.

The applicants will/will not be given a copy of the criminal history record.

Appeal Process

The applicant is provided an opportunity to appeal an adverse decision based on the criminal history record information provided from the fingerprint-based background check. Agency procedures for the appeal process must be listed in this section.

- The Business Service Division Director will issue a written notice.
- Applicant can file for an appeal to the City of Suwanee.
- A hearing shall be conducted within 45 days of the appeal.
- After the appeal the board will contact the Business Service Division Director of any finding within 15 days after the appeal.
- The Business Services Division Director will notify the appellant of any action of the zoning board of appeals.