



Atlanta Police Department – Standard Operating Procedure		
	<b>APD.SOP.3111 Applicant Privacy Rights Notification</b> Effective Date: February 9, 2024	
Chief Darin Schierbaum	Signature by: DBS	Date Signed: 2/9/2024

**NEW POLICY**

**APD.SOP.3111 Applicant Privacy Rights Notification**  
Policy revisions and highlights:

- 1. Application Process.
- 2. Record Challenges.
- 3. Appeals Process.
- 4. Records Retention.

APD Staff,

The Policy and Standards Section has created “APD.SOP.3111 Applicant Privacy Rights Notification.”

The policy establishes guidelines regarding the Applicant Privacy Rights Notification procedure for information derived from the Georgia Crime Information Center (GCIC) Criminal Justice Information System (CJIS) network.

Thank you and stay informed!

Policy and Standards Section  
Planning, Research, and Accreditation Unit



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### APD.SOP.3111 Applicant Privacy Rights Notification

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#### 1. PURPOSE

To establish guidelines regarding the Applicant Privacy Rights Notification policy for information derived from the Georgia Crime Information Center (GCIC) Criminal Justice Information System (CJIS) network.

#### 2. POLICY

To conduct or request fingerprint-based background checks for criminal justice or governmental non-criminal justice employment through GCIC.

Prior to fingerprinting, Atlanta Police Department applicants must complete an application and receive a copy of the Applicant Privacy Rights Notification Statement (Form APD 429).

#### 3. RESPONSIBILITIES

3.1 The originating unit's Commander within the Atlanta Police Department will monitor the implementation of this directive.

3.2 The originating unit's Commander within the Atlanta Police Department will ensure that the procedures stated in this policy are in compliance with 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.

#### 4. ACTION

##### 4.1 Application Process

4.1.2 Prior to fingerprinting, applicants must complete an application including completing a Fingerprint Consent (Form APD 764), Applicant Criminal History Consent (Page 12 of the Background & Recruitment Unit Applicant Wavier Package Form APD 292) and receive a copy of the Applicant Privacy Rights Notification Statement (Form APD 429).

4.1.3 After the applicant has read and understood the Applicant Privacy Rights Notification Statement (Form APD 429); the applicant will sign Applicant Privacy Rights Signature (Form APD 430) acknowledging the challenge notification process.

4.1.4 The signed application will be reviewed and approved by the Background and Recruitment Commander, or designee, prior to applied for process.

##### 4.2 Record Challenges

4.2.1 The Atlanta Police Department applicant has 30 days to request a challenge the following:

1. The accuracy of the criminal history record.
2. Corrections or update to the record in question.

4.2.2 Each applicant is notified on Form APD 430 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 at: <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-asked-questions>.

- 4.2.3 Upon submitting a record challenge request, the applicant will be given a copy of the fingerprint-based criminal history record.
- 4.2.4 The Atlanta Police Department is not authorized to release the name-based criminal history record.
- 4.3 Appeals Process
  - 4.3.1 Applicants are allowed 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:
    - 4.3.2 When an applicant wishes to challenge the accuracy or completeness of their criminal history record, they will be directed to contact the originating unit within the Atlanta Police Department.
    - 4.3.3 If the disputed record occurred in the State of Georgia, they may send their challenge directly to the GCIC at: <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-asked-questions>.
    - 4.3.4 The applicant may also send their challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>.
    - 4.3.5 The FBI will forward the appeal to the originating unit with the Atlanta Police Department pertaining to the questioned information and request the originating unit to verify or correct the challenged entry.
    - 4.3.6 Upon receipt of official communication from the Atlanta Police Department, the FBI will make any necessary revisions to the applicant's record in accordance with the information supplied by APD. (See 28 CFR 16.30 through 16.34.)
- 4.4 Records Retention
 

The originating unit within the Atlanta Police Department will retain all completed Form APD 430 for all applicants. Retention will be in compliance with APD.SOP.1050 - Records Management and Retention.
- 5. DEFINITIONS
 

N/A
- 6. CANCELLATIONS
 

N/A
- 7. REFERENCES
 

Chatham County Police Department - SOP # ADM-025 Applicant Privacy Rights Notification, October 21, 2021.

Applicant Privacy Rights Notification Policy Criminal Justice Agency and Governmental Non-Criminal Justice Agency

Georgia Bureau of Investigation - Non-criminal Justice Applicant's Privacy Rights.

Georgia Bureau of Investigation - Applicant Privacy Rights Notification Signature Form.



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