



CHATHAM COUNTY POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

SOP # ADM-025

EFFECTIVE DATE: 10/21/21

APPLICANT PRIVACY RIGHTS NOTIFICATION

PURPOSE:

The purpose of this policy is 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.

POLICY:

This policy applies to any 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 (such as an application for criminal justice or non-criminal justice employment or a license, or security clearance.) All notices must be provided 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.

PROCEDURE:

I. NOTIFICATION

- A. When the Chatham County Police Department (CCPD) conducts or requests fingerprint-based background checks for criminal justice or governmental non-criminal justice employment through GCIC, prior to fingerprinting, CCPD must have individuals complete an application and receive a copy of the Applicant Privacy Rights and the Privacy Act Statement.
 1. The [Applicant Privacy Rights, Privacy Act Statement, and Applicant Privacy Rights Notification Signature Form](#) are provided to the applicant by:
 - a. The Office of Professional Standards, as part of the application packet for sworn law enforcement positions.
 - b. The CCPD Crime Scene Unit personnel for all other applicants, at the time of fingerprinting.
 2. Once the applicant has 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.

II. RECORDS RETENTION

- A. The Office of Professional Standards will retain the Applicant Privacy Rights Notification Signature Form for sworn law enforcement positions.
- B. The CCPD Records Unit will retain the Applicant Privacy Rights Notification Signature Form all other applicants.

- C. The CCPD will maintain the signed Applicant Privacy Rights Notification Signature Form for the duration of the audit cycle, no less than three years.

III. RECORDS CHALLENGE/CORRECTION

- A. 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 30 days begins upon receipt of the notification.
- B. 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.
- C. Upon request, the applicants shall be given a copy of the fingerprint-based criminal history record.
- D. The CCPD is not authorized to release the name-based criminal history record.

IV. APPEALS PROCESS

- A. The applicant will be 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:
 - 1. If they decide to challenge the accuracy or completeness of their criminal history record, they should directed to contact and send their challenge to the agency that contributed the questioned information.
 - a. When the questioned information originates from CCPD, the applicant will be directed to contact the CCPD Records Unit.
 - 2. If the disputed arrest occurred in the State of Georgia, they may send their challenge directly to the GCIC.
 - a. Contact information for the GCIC can be found at <https://gbi.georgia.gov/services>.
 - 3. Alternatively, they may send their challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>.
 - a. The FBI will then forward their challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenge entry.
 - b. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to the applicant's record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

BY ORDER OF:

Electronically Approved on PowerDMS on 10/21/2021

Jeffrey M. Hadley
Chief of Police