Requirements Under Federal Law for Fingerprint-based Background Checks

Title 28, CFR, 50.12 (b) *requires*:

Records obtained under this authority may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.
Officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI.
The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record.
These officials also must advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in 28 CFR 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. A statement incorporating these use-and-challenge requirements will be placed on all records disseminated under this program.
This policy is intended to ensure that all relevant criminal record information is made available to provide for the public safety and, further, to protect the interests of the prospective employee/licensee who may be affected by the information or lack of information in an identification record.

Based upon this Federal statute, your agency is required to notify applicants that their fingerprints are being submitted to the Federal Bureau of Investigation (FBI) for a national background check.

Additionally, you must notify the applicants they may challenge their record. Please review the second page of this document for instructions on challenging a record. *Each applicant who is subject to a background check is entitled to:*

a. Obtain a copy of any background check report; and
b. Challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made by the authorized agency.

Procedure to Challenge Criminal History Record

Agency Instructions

The applicant may request a copy of their criminal history information obtained from a national background check. They must do so in person so their identity can be verified at the Indiana State Police Headquarters (see address below). The record may also be sent by US Mail (to address below) if they sign a waiver requesting a copy. The waiver shall include the applicant's name, date of birth, address, legal signature and a method of contact.

For the Applicant

You may challenge the record if you believe it contains inaccurate or incomplete information. You must follow the instructions listed below. The Indiana State Police (ISP) Records Division serves as the state's central repository for criminal history record and custodian for fingerprints. The ISP Records Division does not have the authority to modify any record unless specifically notified to do so by the owner (Court, Clerk of Court or Criminal Justice Agency) of the information.

Instructions for Challenge

Your written request should clearly identify the information that you feel is inaccurate or incomplete and should include copies of official court documents and supporting documentation that substantiate your claim. For example, if your disposition information is incorrect or missing, you may submit documentation obtained from the court having jurisdiction over the arrest or the office prosecuting the offense. The ISP will make appropriate changes and notify you of the outcome when we are in receipt of the official Court or Criminal Justice Agency documents.

You may submit a record challenge to the ISP Records Division by writing to the following address:

Indiana State Police
Attention: Records Division
100 North Senate Avenue, IGCN
Indianapolis, IN 46204